



POSTS AND TELEGRAPHS

# COMPILATION OF THE FUNDAMENTAL RULES

MADE BY

The Secretary of State in Council under Section 96B of the  
Government of India Act, including Orders, etc.  
issued by the Secretary of State, Government  
of India, Auditor General, etc.

AND THE

# SUPPLEMENTARY RULES

MADE BY

The Governor General in Council, including Orders, etc.,  
issued by the Government of India,  
Auditor General, etc.

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*Corrected up to the 31st August 1930.*

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## PREFACE.

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This volume contains the Fundamental Rules made by the Secretary of State under Section 96B of the Government of India Act and the Supplementary Rules made by the Governor General in Council in exercise of the powers conferred upon him by the Fundamental Rules. The orders, interpretations and audit instructions issued by the Secretary of State, the Governor General in Council and the Auditor General respectively have been reproduced below the rules concerned. The audit decisions issued by the Auditor General and the Accountant General, Posts and Telegraphs, and the instructions issued by the Director-General of Posts and Telegraphs in his circulars in exercise of his powers as "competent authority" have also been reproduced below the relevant rules. These decisions or rulings are produced in this volume in order that the rules may be correctly interpreted and applied; they are not to be regarded as authorising the grant of concessions or emoluments which may require the administrative sanction of Government or of a subordinate authority.

2. Although the volume is primarily intended for officers of the Posts and Telegraphs Department, an attempt has been made to make it as complete as possible by incorporating all important orders and decisions, including those which do not directly affect the Posts and Telegraphs Department. It is hoped that with the aid of this compilation, the rules will be better understood, and that a considerable reduction in correspondence will result. In referring to decisions, etc., incorporated in this volume, the quotation should be made as indicated below :—

“ Government of India's decision (4) below Fundamental Rule 45 in the Posts and Telegraphs

Compilation of Fundamental and Supplementary  
Rules.”

3. It is requested that any errors or omissions which may be found in this volume may be brought to the notice of the Accountant General.

A. C. BADENOCH,  
*Accountant General,*  
*Posts and Telegraphs.*

CALCUTTA:

*Dated the 21st September 1926.*

## PREFACE TO THE SECOND EDITION.

This edition brings the Compilation up-to-date, with corrections issued up to 31st August 1930, having been incorporated in it. The orders, decisions, etc., which have been rendered obsolete by the revision of the rules themselves, have been either deleted or transferred to a more suitable place.

Wherever the principles involved have not been affected by the revision of the rules, the decisions, etc., under the old rules have been retained under the revised rules and the relevant (clauses of the) new rules have been shown in parenthesis against the references to old rules contained in those decisions, etc. Opportunity has also been taken to show, in parenthesis for the sake of convenience, the relevant rule (or appendix) in a code against orders or resolutions quoted in decisions, etc., which may have since been codified. The references quoted under the Audit Instructions have been brought up-to-date. Important audit rulings have also been incorporated in this edition. A new Appendix embodying the Civil Services (Classification, Control and Appeal) Rules has been inserted.

The Accountant General's recent decisions have been omitted from this compilation, as they cannot be considered to be sufficiently authoritative for a compilation of this character. The old decisions, however, which have stood the test of time have been retained.

It is requested that any errors or omissions which may be found in this volume may be brought to the notice of the Accountant General, Posts and Telegraphs.

JAGAT PRASAD,  
*Accountant General,  
Posts and Telegraphs.*

DELHI;  
*The 17th January 1931.*



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(No. 36, dated the 25th April)

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# FUNDAMENTAL RULES.

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# FUNDAMENTAL RULES.

*Made by the Secretary of State in Council under section 96B of the Government of India Act.*

## PART I.

### Chapter I.—Extent of Application.

**F. R. 1.** These rules may be called the fundamental rules. They shall come into force with effect from the 1st January 1922.

*Secretary of State's Orders—*

(1) The Secretary of State has decided that statutory rules (framed by him) should have effect as hitherto from the date on which they were passed, subject to any special provisions as to the date of effect in the rules themselves.

[G. I. F. D. No. D.-2858-A., dated 13th Oct. 1925, and Part II of A. I. Cir. No. 25, dated 13th May 1925.]

(2) The Secretary of State has decided that a sanction accorded by him, in the absence of any indication to the contrary in the order itself, can only be held to lapse if and when it is superseded by an order of later date.

[G. I. F. D. No. D./989-A, dated 28th April 1928.]

*Government of India's Order.*—All orders issued by the Government of India prior to 1st January 1922 which are at variance with the Fundamental Rules or the Supplementary Rules framed under them, should be treated as cancelled with effect from that date.

[G. I. F. D. No. F.-7 (6)-C. S. R.-24, dated 5th July 1924.]

**F. R. 2.** The fundamental rules apply, subject to the provisions of rule 3, to all Government servants whose pay is debitable to civil estimates in India, and to any other class of Government servants in India to which the Secretary of State in Council may by general or special order declare them to be applicable. In relation to services under its administrative control, other than all-India services, a local Government may make rules modifying or replacing any of the fundamental rules; provided that :—

- (a) No such rule shall adversely affect any person who is in Government service at the time when the fundamental rules come into force, and
- (b) any such rule which grants any privilege or concession not admissible under the terms of the fundamental rules, or

of the Civil Service Regulations as they stand at the time when the fundamental rules are introduced, shall require the sanction of the Secretary of State in Council.

*Declaration by the Secretary of State in Council.*—The Secretary of State in Council has declared that a Government servant paid from Civil Estimates, who is temporarily transferred to service paid from Army Estimates, shall remain subject to the Fundamental Rules.

[G. I. F. D. Res. No. 614-C. S. R., dated 19th June 1922.]

*Government of India's Orders—*

(1) *Grant of leave to inferior servants.*—Pending the issue of special rules, the grant of leave to inferior servants shall be subject to the restrictions imposed by Articles 147 (iii) and 321 (a), Civil Service Regulations. That is, the absentee allowance of the substantive incumbent must not exceed what remains from his pay after provision is made for the efficient discharge of his duties during his absence except when, in the resultant acting arrangements, an officer who has no substantive appointment is given more than half the pay of the appointment in which he acts, in which case the excess over half pay granted to him may, at the discretion of the authority sanctioning the same, be reduced to half pay.

**No. 54.**

*Page 2, F. R. 2—*

Substitute the following for item (2) of "Government of India's orders" under this rule:—

"(2) For the purpose of determining the pay of a task-work messenger in a telegraph office (Departmental or Combined) when officiating in or appointed substantively to another post his substantive pay should be taken to be the average pay drawn by him during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of the average pay. The word 'pay' for this purpose should be taken to mean subsistence allowance *plus* task-work earnings. In calculating the 12 months' average, for the purpose of this rule, only the actual period of duty as task-work messenger falling within the period of 12 months immediately preceding the date of the officiating or substantive promotion should be taken into account.

NOTE.—For the interpretation of the expression 'the 12 complete months immediately preceding', see Audit Instruction (1) under F. R. 9 (2)."

[G. I., F. D., No. F/152/R. I/30, dated 13th November 1930.]

(No. 54, dated the 25th April 1931.)

(4) With the concurrence of the Government of India, it has been decided that item (3) of 'Government of India's orders' above applies only in the case of non-pensionable menials of the Indian Posts and Telegraphs Department paid from contingencies.

[D. G. P. T.'s No. A. A.-12/27, dated 10th January 1928.]

(5) On the issue of the Civil Services (Classification, Control and Appeal) Rules, the Fundamental Rules will remain applicable only to the all-India services and certain other superior services.

[G. I. F. D. letter No. F. 48-R. I./28, dated 26th March 1928.]

[*For the Civil Services (Classification, Control and Appeal) Rules, see Appendix 3-A.*]

*Government of India's decision.*—A question has recently been raised as to whether the leave salary of a Government servant in inferior service during the one month's extra leave on average pay granted under rule (3) in paragraph 1 of Finance Department Resolution No. 1642-C. S. R., dated the 25th September 1923 (*vide* Appendix 8 to Civil Account Code, Volume I, and Appendix 19 to the Posts and Telegraphs Initial Account Code, Volume I), regarding concessions in connection with treatment at a Pasteur Institute, is subject to the usual conditions of there being no extra expense to Government. The Government have decided that this condition does not apply in such cases.

[G. I. F. D. No. F.-191-C. S. R., dated 13th Oct. 1924.]

**F. R. 3.** Unless in any case it be otherwise distinctly provided by or under these rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

**F. R. 4.** The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the Governor General in Council in respect of all other Government servants, and may be delegated by him, without regard to the limitations of rule 6 and subject to any conditions which he may think fit to impose, to a Chief Commissioner.

*Government of India's interpretation.*—The expression "under their administrative control" in this rule includes services controlled by Governors in Council as agents of the Governor General in Council.

[Para. 3 of G. I. F. D. No. 1079-C. S. R., dated 26th Oct. 1921.]

*Government of India's Orders—*

(1) Fundamental Rule 4 states that local Governments may exercise powers granted to them by the Fundamental Rules in relation to those Government servants only who are under their administrative control. Officers of Central Services who serve under the administrative control of local Governments acting as agents, are under the control of those Governments for the purpose of Fundamental Rule 4. It will of course be open to the Central Government, in its capacity as principal, to issue instructions to its agents as to the way in which they should exercise their powers in this connection; and it is possible that the Government of India may find it necessary to issue such orders hereafter. When making rules affecting officers of Central Services the local Government should

pay due attention to the proviso to sub-section (2) of section 96B of the Government of India Act under which all Government servants appointed before the Act came into force are protected in the enjoyment of their existing and accruing rights.

[G. I. F. D. No. 1406-F. B., dated 22nd Dec. 1921.]

(2) The sanctions accorded by the Financial Adviser, Posts and Telegraphs, may be accepted in audit as sanctions of the Finance Department of the Government of India.

[G. I. F. D. No. 1459-Ex., dated 20th June 1923.]

*Auditor-General's decision.*—\* \* \* A Department of the Government of India acting under the rules for the conduct of the business of the Government of India may exercise the power of the Governor General in Council in relation to a subject which it administers, and when so doing, it acts as the Governor General in Council. Section 40 of the Government of India Act, however, lays down that all orders and other proceedings of the Governor General in Council shall be expressed to be orders by the Governor General in Council. Audit is, therefore, entitled to ask that a Department of the Government of India, when intimating an order which can be issued under rule by the Governor General in Council only, shall state in the order that it is issued by the Governor General in Council.

[Ar. G.'s No. 1217-A/477-28, dated 7th Dec. 1923.]

**F. R. 5.** The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised after consideration by the Governor with his executive council and ministers sitting together, but the rules and orders so made shall be made by the Governor in Council or by the Governor and Ministers, according as the service affected is attached to a department dealing with reserved or a department dealing with transferred subjects. In the case of services performing duties both in a department dealing with reserved and in a department dealing with transferred subjects, the Governor shall decide by which authority the rules shall be made.

*Government of India's Order.*—This rule is merely a rule of procedure. It refers to the power to make rules or general orders conferred upon local Governments by any of these rules. The words "rules or general orders" are used deliberately. Thus Fundamental Rule 44 grants power to make rules, while Fundamental Rule 119 grants power to pass general orders. The whole of the powers of a local Government to regulate travelling allowance are derived from Fundamental Rule 44. Fundamental Rule 5 does not confer any additional power to pass a general order in respect of travelling allowance.

[G. I. F. D. No. F.-74-C. S. R., dated 5th Sept. 1924.]

**\*F. R. 5A.** A Local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax

\* This rule has effect from the 29th June 1926.

the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or orders :

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

**F. R. 6.** A Local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions :—

- (a) All powers to make rules ;
- (b) the other powers conferred by rules 6, 9 (6) (b), 44, 45, 83, 108A, 119, 121 and 127 (c), and by the first proviso to clause (1) of rule 30.

*[Powers delegated by the Government of India, in its capacity as a Local Government, under different Fundamental Rules, are contained in Appendix No. 4.]*

*Government of India's decision.*—The restrictions to the powers of a Local Government under *old* F. R. 45 now stand in respect of corresponding rules F. R.'s 45A and 45B.

[G. I. F. D. U. O. No. 3517-R.E., dated 7th October 1930, to A. G. P. T.]

**F. R. 7.** No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

**F. R. 8.** The power of interpreting these rules is reserved to the Governor General in Council.

*Auditor-General's decisions—*

(1) In cases where the power of interpretation of rules is reserved to the Governor General in Council or the Government of India, *e.g.*, Fundamental Rules, Government of India Supplementary Rules, Devolution Rules and the Government of India Act, all references relating to amendment or interpretation of these rules should be made direct to the Government of India.

[Ar. G.'s No. 582-A/128-24, dated 16th Aug. 1924 to all Accountants General.]

[In the case of Posts and Telegraphs audit, references to the Government of India should continue to be made by the Accountant General, Posts and Telegraphs.]

[A. G. P. T. No. Mis.-1152/F.-90(a), dated 27th Aug. 1924.]

(2) Fundamental Rules are rules made under the Act by the Secretary of State in Council. In these rules the Secretary of State has included a specific provision giving the Governor General in Council the power of interpreting the rules. As regards the other



rules made by the Secretary of State in Council in exercise of the powers conferred upon him by the Act or issued under the Act by the Governor General in Council with the sanction of the Secretary of State in Council, which do not contain a similar provision or in respect of which the Governor General in Council has not been declared to be the interpreting authority, the ultimate authority for interpretation is the Secretary of State in Council and the Auditor General cannot regard himself as bound by an interpretation given by the Governor General in Council.

[Ar. G.'s U. O. I. No. 39-A/2-25, dated 9th Jan. 1925 to G. I. F. D. and Ar. G.'s No. 183-A/2-25, dated 12th March 1925.]

(3) A doubt having arisen whether the general principles of interpretation inculcated in the second sub-paragraph of Article 4 of Civil Service Regulations continue to apply in the absence of any specific provision in the Fundamental Rules, it is explained for information that the omission does not mean that the principles are to be abrogated. The intention is that they are to be followed, so far the Fundamental Rules cover pay and allowances and leave. Under the Fundamental Rules pay and allowances are earned in respect of periods of duty and it seemed unnecessary to repeat the principle contained in the Civil Service Regulations in the matter. The rule as regards title to leave seemed so obvious that it was not deemed necessary to include it in the Fundamental Rules.

If the rule relating to claims to pensions is not included in the section of the Fundamental Rules which will eventually deal with pensions it will be issued in the form of an audit instruction.

[Ar. G.'s No. 202-A/18-24, dated 5th March 1924.]

## Chapter II.—Definitions.

**F. R. 9.** Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained :—

(1) The *Act* means the Government of India Act.

(2) *Average pay* means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided that :—

\*(a) In respect of any period spent on deputation out of India which has been declared by the Governor-General in Council to be under quasi-European conditions the pay which the Government servant would have drawn if on duty in India shall be substituted for the pay actually drawn.

†(b) In the case of an officer of the Royal Engineers who entered civil employ on or before the 17th September 1925 and who during any period of the preceding twelve months has undergone military training by being attached to a unit for one month his pay for that particular month shall be assumed to be the pay which he drew in the month immediately preceding his training.

‡(c) The average pay of a military officer who is granted rent-free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he gives up such quarters before going on leave, be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled.

**NOTE.**—The average pay of a member of the Bengal Covenanted Pilot Service shall be calculated at such rates as the Secretary of State in Council may by order prescribe.

*Audit Instructions—*

(1) According to the definition of “ average pay ” in this Rule, the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken, and for this purpose “ the 12 complete months immediately preceding ” should be interpreted literally. Thus a Government servant who has been on leave from 23rd March 1922 to 22nd July 1922 inclusive is granted leave from 4th February 1923. His average pay should be calculated on the pay earned for

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\* This proviso has effect from the 24th May 1927.

† This proviso has effect from the 6th March 1928.

‡ This proviso has effect from the 20th December 1927.

the periods 1st February 1922 to 22nd March 1922 and 23rd July 1922 to 31st January 1923. If, however, a Government servant happens to be on leave for more than 12 months immediately preceding the date on which he takes leave under the Fundamental Rules, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave originally commenced.

NOTE 1.—In the case of Government servants who were on leave on 1st January 1922, the date on which the Fundamental Rules came into force and who exercise the option of cancelling the unexpired portion of their leave and substituting for it any period of leave to which they may be entitled under the Fundamental Rules, the average for the purpose of the leave under the new rules should be calculated of the pay earned during the twelve complete months immediately preceding the month in which the leave originally commenced irrespective of the period of the original leave.

NOTE 2.—In the case of a Government servant on foreign service out of India lasting for more than 12 months who on reversion to British service immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the pay drawn by him during the 12 complete months preceding the month in which he was transferred to foreign service.

NOTE 3.—Any period of joining time taken either under clause (b) or under clause (c) of Fundamental Rule 105 during the preceding 12 months should be ignored in calculating average pay as no "pay" is drawn in respect of such joining time.

[Para. 1, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

[*Example*.—A gazetted Government servant who was on leave from 14th April 1923 to 9th December 1923 inclusive is granted leave from 12th March 1924. In order to arrive at his average pay, the total pay earned for the periods of duty, viz., from 1st March 1923 to 13th April 1923 and from 10th December 1923 to 29th February 1924, should be divided by  $3 + \frac{1}{12} + \frac{2}{3} = \frac{3,853}{930}$  months, the fractions  $\frac{1}{12}$  and  $\frac{2}{3}$  representing periods of duty, in terms of months, in April and December 1923 respectively. Where  $x$  is the total pay earned by duty from 1st March 1923 to 13th April 1923 and from 10th December 1923 to 29th February 1924, the average pay is equal to  $\frac{930x}{3,853}$ .]

[A. G. P. T. No. Mis-130/A.-205, dated 14th April 1924, to Ar. G. and Ar. G.'s No. 388-A/110-24, dated 13th June 1924 to A. G. P. T.]

(2) The term "month" in this rule means "calendar month" as in Rule 9 (18).

[Para. 4, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

(3) In the case of a Government servant of a vacation department, the vacations falling in the period of 12 complete months immediately preceding the month in which leave is taken should be treated as duty under Fundamental Rule 82 (b) and the emoluments drawn by the Government servant during the vacations should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

[Para. 3, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

(4) In the case of a Government servant of a Vacation department both prefixing and affixing leave to a vacation, the leave

salary for the leave affixed should be calculated on the emoluments drawn by the Government servant during the twelve complete months preceding the commencement of his leave.

[Para. 2, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

*Auditor-General's decisions—*

(1) The case of officers in foreign service in Mesopotamia is different from the ordinary cases of foreign service out of India in that in respect of foreign service in Mesopotamia up to 28th February 1919, contributions for both leave allowances and pensions having been recovered, the service up to that date counts for leave under the rules applying to Government service (*vide* Government of India, Finance Department, letter No. 1222-E. B., dated the 5th October 1921). Service in Mesopotamia up to 28th February 1919 should therefore be treated for purposes of leave in the same way as foreign service in India, and consequently in the case of an officer who was transferred to foreign service in Mesopotamia prior to 1st March 1919 and who takes leave under the Fundamental Rules on the termination of the foreign service, the leave salary should be calculated on the basis of the twelve complete months prior to 1st March 1919, *i.e.*, the date up to which leave contribution was paid.

[Ar. G.'s No. 626-A/94-22, dated 8th Sept. 1922.]

(2) The method of calculation of average pay in the case of officers who have enjoyed the overseas pay concession before proceeding on leave will be as set forth below.

The average pay will be calculated separately for the amounts drawn by the officer in Rupee and in Sterling respectively. For example, an officer who was in receipt of Rs. 1,250 basic pay *plus* Rs. 250 overseas pay from the 1st July 1923 and drew Rs. 1,250 basic pay and £30 overseas pay from the 1st April 1924 is entitled to a leave salary during leave commencing from 1st July 1924 of Rs. 1,250 + Rs. 250  $\times \frac{9}{12}$  + £30  $\times \frac{3}{12}$  or Rs. 1,250 + Rs. 187-8 + £7-10.

[Ar. G.'s No. 1853-Admn./1260-Ac.-24, dated 30th Dec. 1924.]

**F. R. 9. (3) *Barrister*** means a practising barrister of England or Ireland, and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland. It does not include a person who, though called to the Bar, has never practised the profession of barrister.

(4) *Cadre* means the sanctioned strength of a service or of an establishment.

(5) *Compensatory allowance* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

*Secretary of State's orders.*—"The circumstances which justify the grant to an officer of special pay are entirely different in character from those which justify the grant of a compensatory allowance, a difference emphasised in the definitions of those terms embodied in the Fundamental Rules. Those definitions should in my view be strictly construed, and an exact compliance required with the conditions stated in them as antecedent to the grant of either special pay or compensatory allowance. The grant of compensatory allowance is a matter the control of which I have delegated to Local Governments, with whose use of the discretion entrusted to them I should normally be reluctant to interfere. I desire, however, to make it clear that for the reasons given above I am unable to recognise any necessary inter-dependence between special pay and compensatory allowance or to agree with..."

## No. 62.

Pages 10-11, F. R. 9 (5)—

Substitute the following for the existing "Secretary of State's decision" under this rule:—

"*Secretary of State's decision.*—The Secretary of State for India in Council has, with effect from the 1st May 1928, revised the rates of passage allowance admissible to Government servants and non-officials, who are granted passages between the *United Kingdom and any port in India* proper at Government expense and are allowed to make their own arrangements for such passages, as follows:—

	£
First Class . . . . .	53
Second Class . . . . .	42

The above rates were in force up to 2nd July 1929 and with effect from the 3rd July 1929, the rates of passage allowance are as follows:—

	£
First Class . . . . .	65
Second Class . . . . .	48

The existing rates of passage allowance for *journeys to Ran-goon*, which are as follows, remain unchanged:—

	£
First Class . . . . .	72
Second Class . . . . .	62

It has also been decided to omit the rates for *journeys to Aden*. The maximum amount admissible in any case will be the rate of passage allowance appropriate to that case or the actual cost of passage engaged by the individual concerned, whichever is less.

[G. I., F. D., letter No. F. 7 (59)-R. I./30, dated 16th October 1930 and G. I., F. D., letter No. F. 7 (59)-R. I./30, dated 5th January 1931.]

(No. 62, dated the 25th April 1931.)

able for a double journey will be the cost to Government of a return ticket by the most economical route.

[G. I. F. D. No. 280-C. S. R., dated 21st February 1924 and No. 64-C. S. R.-25, dated 6th March 1925.]

*Government of India's orders.*—(1) In view of the importance attached to the correct classification of additions to pay such as special pay and compensatory allowance, it can be accepted as a general principle that the reasons for the grant of such additions to pay should be briefly recorded in the letter or memorandum conveying the sanction. In cases, however, in which an official record in an open letter may be undesirable, it should be possible to communicate the reasons confidentially to the audit authority.

(G. I. F. D. No. F.-9-V.-C.S.R./27, dated 15th February 1927.)

### No. 55.

*Page 11, F. R. 9 (5)*—

*Insert the following as item (3) of "Government of India's orders" under this rule:—*

"(3) The Governor General in Council has decided that in all cases in which the compensatory allowances under F. R. 9 (5) and special pay under F. R. 9 (25), clause (a) or (c), on account of service in dangerous or specially unhealthy localities granted to officials on the ordinary clerical time-scales of pay and lower paid staff of the Posts and Telegraphs Department are based directly on the local Government's orders regulating the grants of such allowances, etc., to its own officials of corresponding status serving in the same localities, changes in the rates of compensatory allowance or special pay, as the case may be, should whenever possible take effect in the case of the Posts and Telegraphs officials from the dates on which the orders of the local Government concerned sanctioning such changes are applied to the officials serving under that Government."

[F. A. P. T.'s Endt. No. 958-Est. A/30, dated 16th December 1930.]

(No. 55, dated the 25th April 1931.)

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[Ar. G.'s No. 594-A-185-22, dated 26th April 1923 to A. G., Madras.]

(2) The Government of India, Department of Industries and Labour, requested the sanction of the Secretary of State to the grant of a first class passage to India to the candidate who might be selected to replace the retiring Junior Inspector of Mines. The request was evidently made in connection with Fundamental Rule 44 and the India Office pointed out in reply that in view of the definition of 'compensatory allowance' in Rule 9 (5), Rule 44 is not applicable to passage granted on first appointment as the period of voyage is not 'duty'. It was decided that the grant of passage being part of the ordinary terms of appointment is within the powers of the High Commissioner as the recruiting authority.

[Ar. G.'s Endt. No. 115/446-25, dated 15th November 1923.]

*Director General's Instructions.*—The following allowances granted to Telegraph Traffic officials may be treated as “compensatory” :—

Grain Compensation, Dear District, Food, Exposure and Ration allowances.

[D. G.'s No. G. K.-16, dated 5th March 1923, to the A. G. P. T.]

**F. R. 9. (6) Duty.**—(a) Duty includes :—

- (i) Service as a probationer or apprentice, provided that such service is followed by confirmation.
- (ii) Joining time.
- (b) A local Government may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty :—
  - (i) During a course of instruction or training in India.
  - (ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school in India, during the interval between the satisfactory completion of the course and his assumption of duties.
  - (iii) During preparation in India for an examination in any oriental language.
  - (iv) On the first arrival in India of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

*Government of India's Orders*—

(1) The Governor General in Council has issued, under Fundamental Rules 9 (6) (b) (i)—(iii) and 20, the following general orders applicable to all Government servants under his administrative control other than Government servants employed in Chief Commissioners' provinces :—

1. A Government servant who has been substantively appointed to a post or cadre in Government service shall be treated as on duty during any course of instruction or training which he may be required or permitted to undergo in accordance with the terms of any general or special orders of the Governor General in Council.
2. A student, stipendiary or otherwise, who is entitled to be appointed to Government service on passing through a

course of training at a University, College or School, shall, unless in any case it be otherwise expressly provided in the terms of his appointment, be treated as on duty during the interval between the satisfactory completion of the course and his assumption of duties.

3. (a) A Government servant shall be treated as on duty during any period which he is permitted to spend in preparation for an examination of any of the following kinds in an oriental language:—
- (i) An optional examination by the High Proficiency or Degree of Honour test in any vernacular language.
  - (ii) An optional examination by the Higher Standard or High Proficiency Test in Sanskrit, Arabic or Persian.
  - (iii) An optional examination by the Degree of Honour Test in Sanskrit, Arabic or Persian.
  - (iv) In the case of Government servants of the Railway Department, a compulsory examination by the Lower Standard Test in Hindusthani.
  - (v) In the case of officers appointed in the United Kingdom to the Indian Service of Engineers, the Superior Revenue Establishment of State Railways, the Indian Railway Service of Engineers, the Sanitary and Electrical Services of the Public Works Department, the Engineering Branch of the Telegraph Department, or the Indian Forest Service, a compulsory examination in a vernacular language.
- (b) The period to be spent in preparation is limited to six months in a case covered by sub-clause (iii) of clause (a) of this paragraph and to three months in all other cases: provided that it may be extended to six months in the case of an officer of the Political Department preparing for an examination by the Higher Standard or High Proficiency Test in Persian or Arabic.
- (c) The period of preparation under sub-clause (v) of clause (a) of this paragraph shall be spent only in India.
- (d) Preparation shall not be permitted to count as duty more than once under each of the sub-clauses of clause (a) of this paragraph, except that in the case of the services enumerated in sub-clause (v) the period of preparation may be taken in instalments by officers preparing themselves for one or more examinations, provided that the total of the instalments does not exceed the maximum period of three months.



(e) Periods spent in preparation under this paragraph may be combined with periods of leave as follows:—

- (i) Under sub-clauses (i) to (iv) of clause (a) with leave on average pay.
- (ii) Under sub-clause (v) of clause (a) with leave on average or half-average pay.

4. When a Government servant is treated as on duty under paragraphs 1 to 3 above, his right to draw during such period any compensatory allowance attached to the post on which he holds a lien shall be governed, as though he were on leave, by Supplementary Rules 6 and 7.

[G. I. F. D. Res. No. 724-C. S. R., dated 16th May 1923, and No. F./130-R. I./28, dated 2nd October 1928.]

(2) The Government of India have declared, under Fundamental Rule 9 (6) (b) (iv), that Government servants appointed in England who, on their first arrival in India, do not, before they report themselves at the seat of Government, receive orders to take over charge of a specified post, shall be treated as on duty during the interval between the date of such report and the date on which they take charge of their duties: provided that the interval between the receipt of orders and their assumption of duties shall not exceed the amount of joining time which would be admissible to a Government servant entitled to joining time under Fundamental Rule 105 (a).

These orders have been issued by the Government of India in its capacity as a local Government and apply to those Government servants only who are under its administrative control or in a Chief Commissioner's province.

[G. I. F. D. Res. No. 122-C. S. R., dated 10th Feb. 1922, and letter No. 175-C. S. R., dated 28th Feb. 1922.]

(3) Service rendered as an apprentice in Civil Account offices prior to 1st March 1906 cannot be treated as "service as an apprentice" within the meaning of F. R. 9 (6) (a) (i). Such service will not therefore count for leave.

[G. I. F. D. No. 821-C. S. R., dated 26th July 1922.]

(4) The Government of India have decided that the time spent on training by civilian Government servants who join the Army in India Reserve of Officers will count as duty under Fundamental Rule 9 (6) (b).

(G. I. F. D. No. F-81-F.E., dated 27th September 1926.)

(5) A Government servant required to attend an obligatory departmental examination, or permitted to present himself at an examination the passing of which is a condition of preferment in Government service, may be treated as on duty during the day or days of the examination and during the reasonable time re-

quired for the journey if any to and from the place of duty.

### No. 57.

Page 15, F. R. 9 (6)—

Insert the following as an explanatory note to item (5) of "Government of India's orders" under this rule:—

"[A question arose whether a clerk in the Department of Education, Health and Lands who appeared in the Indian Audit and Accounts Service Examination held in December 1930 may be treated as on duty during the days of the examination in accordance with the orders contained in the Finance Department Memo. No. F. 17-R. I/29, dated the 23rd January 1929. It is arguable whether the passing of this examination by the clerk in question is a 'condition of preferment in Government service'. It was decided in consultation with the Auditor General that this phrase covers only compulsory or optional examinations for promotion within the normal scope of the Government servants' department or office.]"

[G. I., F. D., No. F/15 (5) R. I/31, dated 25th March 1931.]

(No. 57, dated the 25th April 1931.)

should be treated.

The circumstances of the case are similar to those referred to in F. R. 9 (6) (b) (iv) inasmuch as in both cases the essential point is the compulsory waiting by the officer concerned for orders of Government posting him to a particular post. Accordingly, the Government of India, with the concurrence of the Auditor General, ordered that the period of waiting in the case of Mr. N., and in other similar cases should be treated as duty as in the case mentioned in F. R. 9 (6) (b) (iv).

[G. I. F. D. No. F-192-C. S. R.-25, dated the 20th June 1925, to the Accountant General, Madras.]

#### *Audit Instructions—*

(1) Pending the issue of general orders by local Governments under this rule, the special orders of the local Government concerned should be called for in each case in which periods of the nature referred to in this rule are treated as duty except in accordance with the rules which were in existence immediately prior to 1st January 1922, as set out in Articles 52 (c) and 68A, Civil Service Regulations.

[Para. 6, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

(2) (a) The term "Probationer" does not cover a Government servant who holds substantively a permanent post in a cadre and is appointed 'on probation' to another post.

(b) No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation (such as the condition that he must remain on probation pending the

passing of certain examination) have been attached to his appointment.

[Para. 6A, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

(3) The Government of India have declared that leave granted to officers of their Public Works Department under the orders

### No. 5.

Page 16, F. R. 9 (6)—

Insert the following as “Director General’s order” under this rule:—

“*Director General’s order.*—The period of Telegraph Training of paid probationers deputed to the Telegraph Training Class prior to 1st April 1912 counts for purposes of pension and leave.”

[D. G., P. & T., letter No. 412-Est. A/30, dated 29th July 1930.]

(No. 5, dated the 25th April 1931.)

~~Government servant receives~~ his substantive pay with the sanction of Government from any source other than the general revenues of India or from a company working a State railway.

- (8) *General Revenues of India* include the revenue allocated to local Governments and exclude the revenues of local funds.

### Audit Rulings—

- (1) Fees recovered from shipowners for work done on Sundays, are part of general revenues.

[Ruling (2), Sec. IV of Compilation of Audit Rulings.]

- (2) Payments to Government servants out of the realised assets of enemy trading concerns are not payments from general revenues.

[Ruling (3), Sec. IV of Compilation of Audit Rulings.]

- \*(9) *Honorarium* means a recurring or non-recurring payment granted to a Government servant from general revenues as remuneration for special work of an occasional character.

- (10) *Joining time* means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

- (11) *Leave on average (or half or quarter average) pay* means leave on leave-salary equal to average (or half or quarter average) pay, as regulated by rules 89 and 90.

- (12) *Leave-salary* means the monthly amount paid by Government to a Government servant on leave.

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\* This clause has effect from the 23rd April 1929.

- (13) *Lien* means the title of a Government servant to return in a substantive capacity to a permanent post to which he has been appointed substantively.

*Secretary of State's decision.*—See entry below F. R. 26.

*Government of India's decision.*—The Governor General in Council has decided that an official who has elected to remain under the leave rules contained in the Civil Service Regulations is entitled to the benefit of Article 210 of those Regulations and that in his case the application of that Article has the effect of overriding the definition of the word “lien” in F. R. 9 (13) for the purpose of the interpretation of that word in F. R. 26 (b).

[G. I. F. D. No. F. 153-C. S. R./26, dated 20th May 1926.]

*Auditor-General's decision.*—In the case of a Government servant who holds no lien on any appointment except that which it is proposed to abolish, the correct practice in deciding the exact date from which the appointment is to be abolished would be to defer the date of abolition up to the termination of such leave as may be granted.

[Ar. G.'s Memo. No. 641-A/194-22, dated 18th Sept. 1922.]

**F. R. 9. (14) *Local fund* means—**

- (a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and
  - (b) the revenues of any body which may be specially notified by the Governor General in Council as such.
- (15) *Local Government*, for the purposes of these rules, does not include a Chief Commissioner.
- (16) (a) *Military commissioned officer* means a commissioned officer other than—
- (i) a departmental commissioned officer;
  - (ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

- (b) *Military officer* means any officer falling within the definition of military commissioned officer, or included in sub-clause (i) or (ii) of clause (a) above, or any warrant officer.
- (17) *Ministerial servant* means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of a local Government.

- (18) *Month* means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

*Audit Instruction.*—In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and the 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January ends on 28th February.

[Para. 7, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

- F. R. 9. (19) *Officiate.***—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A local Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

*Government of India's decisions—*

- (1) The Government of India have decided to retain in the *Posts and Telegraphs Department* the *14 days' rule* (originally approved by the Secretary of State in Council in his Despatch No. 3-Telegraphs, dated the 12th April 1918) under which in the case of the following appointments, no promotions to temporary or officiating rank and no reversions from such rank are made if the period of promotion or reversion does not exceed 14 days:—

*Telegraph Engineering Branch.*—Directors, Divisional Engineers, Deputy Assistant Engineers and Deputy Assistant Electricians;

*Telegraph Traffic Branch.*—Officers of the superior Traffic Branch, 1st and 2nd Divisions, Deputy Superintendents (Traffic) and Telegraph Masters;

*Post Office Branch.*—Chief Officers, Superintendents of Post Offices and of the Railway Mail Service, and gazetted Postmasters.

Where an officer is retained in the higher grades under this rule in excess of the sanctioned scale for a period not exceeding 14 days, any officiating promotions made in the lower grades in his place will continue.

[D. G. P. T. No. D. M.-442, dated 30th April 1923.]

- (2) In the case of a Government servant with a substantive post on a permanent establishment, who is appointed to officiate in a permanent post which is substantively vacant or which is temporarily vacant in consequence of the absence of the substantive incumbent on extraordinary leave or on transfer to foreign service, and is allowed to draw the full officiating pay or salary admissible

under the rules, the difference between the substantive pay and officiating pay or salary counts as emoluments for pension.

[G. I. F. D. letter No. 84-C. S. R., dated 8th July 1925, and Res. No. F.-16-C. S. R./26, dated 22nd Jan. 1926.]

**F. R. 9. (20)** *Overseas pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

*Secretary of State's Rules regarding the grant of overseas pay.*—The rules regulating the grant of overseas pay to Government servants are contained in the Government of India, Finance Department, Resolution No. 1533-Ex., dated the 5th July 1923, reproduced in Appendix 5.

[For rules regarding admissibility of Sterling overseas pay to the Superior Civil Services, see Superior Civil Services Rules.]

*Secretary of State's decision.*—The Secretary of State for India has prescribed a revised form of questionnaire, reproduced in Appendix 5-B to this volume, to be used in determining the domicile of a person for the purpose of the special leave rules and the overseas pay and passage concessions.

The Secretary of State has further decided that an officer who has been drawing overseas pay in good faith and whose domicile is challenged should receive a personal allowance equal to the amount of overseas pay hitherto drawn, the allowance to be absorbed in increments, from the date when his domicile is questioned, and should continue to enjoy such allowance in the event of an eventual adverse decision.

[G. I. H. D. No. F.-445-II-27/Estabts., dated 17th February 1928.]

*Audit Ruling.*—Mr. R—, an officer of a subordinate service of non-Asiatic domicile, was appointed to officiate as a Collector of Customs. The question for decision was whether Mr. R—was entitled to draw overseas pay under Fundamental Rule 31, read with Fundamental Rules 9 (24) and 9 (21) (a) (ii).

In the correspondence with the Secretary of State on the principles governing the grant of overseas pay, *vide* paragraph 4 of Government of India, Finance Department, Despatch No. 21, dated 30th November 1922, the Government of India speaking of an officer promoted to an Imperial service said "If, therefore, he has a non-Asiatic domicile,.....we consider that he ought to be entitled to overseas pay from the date on which he becomes a full member of the service." This proposal was accepted by the Secretary of State and although the Government of India did not explain what they meant by the phrase "a full member" yet it is reasonable to assume that the Secretary of State interpreted this as meaning "when they are substantively appointed to the post carrying such pay".

The proposal to grant Mr. R—overseas pay while officiating in the Customs Department will require, therefore, the sanction of the Secretary of State.

[Ar. G.'s No. 1124-A/424-23, dated 5th Nov. 1923.]

*Auditor General's decision.*—In a case regarding calculation of the average cost of a post in the Imperial Police Service, the following orders were passed by the Auditor General:—

- \* \* \* As regards the calculation of the average cost of overseas pay, the total cost of Sterling and Rupee overseas pay now drawn should be worked out separately and divided in each case by the number of men so drawing. As the cost to India is the cost of sending money to England to make the payment there, 1s. 6d.\* should be taken as the rate for converting sterling overseas pay into rupees for this purpose.

As Indianisation increases, less junior officers will draw sterling overseas pay and more junior officers will draw rupee overseas pay. The average sterling overseas pay will increase, the average rupee overseas pay will decrease, the average of both combined will decrease slightly.

[Ar. G.'s No. 1402-Admn./397-25, dated 28th Nov. 1925.]

**F. R. 9. (21) (a)** *Pay* means the amount drawn monthly by a Government servant as—

- (i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and
  - (ii) overseas pay, technical pay, special pay and personal pay, and
  - (iii) any other emoluments which may be specially classed as pay by the Governor General in Council.
- (b) In the case of a military officer, in receipt of the rates of pay introduced on July 1, 1924, pay includes the amount which he receives monthly, under the following designations:—

- (i) pay of appointment, lodging allowance and marriage allowance; and
- (ii) pay of rank, command pay, additional pay, Indian Army allowance, lodging allowance and marriage allowance;

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\* The current rate of exchange, as defined in Article 343, Account Code, will hereafter be applied in converting sterling overseas pay into rupees for all purposes—G. I. F. D. Resn. No. F. 276-Ex./25, dated 1st April 1926.

In the case of a military officer, in receipt of the rates of pay in force before July 1, 1924, pay includes the amount which he receives monthly under the following designations :—

- (i) Military pay and allowances and staff salary;
- (ii) Indian Army pay and staff salary; and
- (iii) Consolidated pay.

*Government of India's decisions—*

(1) The Governor General in Council has classed "*Judicial pay*" as "Pay" under this rule (with effect from 1st January 1922).

[G. I. F. D. No. 76-E. A., dated 25th Jan. 1922.]

(2) The Government of India have decided that language allowances shall be termed "*language pay*" in future and that they shall be classed as "Pay" under this rule. This decision has effect from 1st January 1922.

[G. I. F. D. Res. No. 1439-F. E., dated 14th July 1922, and No. 2638-F. E., dated 15th Dec. 1922.]

(3) The overtime allowance granted to the postmen of Rangoon Head Post Office and its town sub-offices for extra work performed by them in connection with the special delivery of Inward English "*Overtime Pay*" as in Rule 9 of the  
**No. 58.**

*Page 21, F. R. 9 (21)—*

*Insert the following as item (4) of "Government of India's decisions" under this rule:—*

"(4) The definition of pay in F. R. 9 (21) (b) in the case of Military Officer in receipt of the rates of pay introduced on the July 1924 includes 'pay of appointment' which as defined in Pay and Allowances Regulations for the Army in India. Part includes 'Staff pay'. It has therefore been decided with the concurrence of the Government of India that staff pay should be taken into account in calculating average pay of Military Officers employed in Military Police Forces."

[C. C. A. No. 315-A/194-30, dated 13th December 1930, to the Account General, Bengal.]

(No. 58, dated the 25th April 1931.)

**F. R. 9. (22)** ~~Permanent post means a post carrying a definite rate of pay sanctioned without limit of time.~~

**(23) Personal pay** means additional pay granted to a Government servant—

**\*(a)** to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a

\* The amended clause has effect from the 18th March 1930.



revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

- (b) in exceptional circumstances, on other personal considerations.

*Secretary of State's decision.*—The Secretary of State has decided that the power of granting personal pay as defined in F. R. 9 (23) (b) shall be exercised only by the authority empowered to regulate the scales of ordinary pay, i.e., by the Secretary of State in Council in the case of All-India services.

[G. I. H. D. letter No. F.-272-23, dated 16th September 1926.]

*Government of India's decision.*—The Government of India have declared, with the approval of the Secretary of State, that the personal allowance granted in lieu of Exchange compensation allowance, referred to in paragraph 3 of Government of India, Finance Department, Resolution No. 1559-E. A., dated 16th August 1921 and paragraph 4 of Government of India, Finance Department, Resolution No. 591-F. E., dated the 29th March 1922, shall be treated as "Personal Pay" for the purpose of calculating leave salary, but not for pension.

[G. I. F. D. No. 2660-F. E., dated 19th Dec. 1922.]

**F. R. 9. (24) *Presumptive pay of a post*,** when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

*Audit Instruction.*—The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.

[Para. 10, Chap. II, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 9. (25) *Special pay*** means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

- (a) the specially arduous nature of the duties; or
- (b) a specific addition to the work or responsibility; or
- (c) the unhealthiness of the locality in which the work is performed.

*Secretary of State's decisions—*

(1) The Secretary of State in Council is of the opinion that, provided the sanctioning authorities limit the allowances granted

on account of the unhealthiness of a locality to cases in which the locality is really likely to cause illness or impaired vitality, it is reasonable that they should be taken into account in calculating leave-salary and pension. The Secretary of State in Council desires that the attention of local Governments should be called to the fact that this limitation is inherent in the rule as it stands, and he has observed that the local Governments will no doubt re-examine any case in which they have reason to suppose that this condition has not been satisfied or does not continue to be satisfied.

[G. I. F. D. No. 914-C. S. R., dated 8th May 1924.]

(2) The Secretary of State has decided that the power of granting special pay as defined in this rule shall be exercised only by the authority empowered to regulate the scales of ordinary pay, *i.e.*, by the Secretary of State in Council in the case of All-India services.

[G. I. H. D. letter No. F.-272-23, dated 16th September 1926.]

*Government of India's Orders—*

(1) Duty allowances now termed as special pay should continue to be left out of account in determining the rate of allowances admissible under the Calcutta, Bombay and Rangoon House Allowance Scheme to officers of the Posts and Telegraphs Department.

[G. I. P. W. D. No. 644-P. W., dated 10th April 1923.]

(2) The <sup>Director General</sup>  
<sup>Heads of Circles</sup> of the Indian Posts and Telegraphs Department <sup>is</sup>  
<sup>are</sup> authorised to sanction the grant of special pay or of compensatory or house-rent allowance to a Government servant <sup>in any</sup>  
<sup>employment</sup> employ in any locality at the rates and subject to

**No. 56.**

*Page 23, F. R. 9 (25)—*

*Insert the following as item (3) of "Government of India's orders" under this rule:—*

"(3) See item (3) of 'Government of India's orders' under  
**No. 59.**

*Page 23, F. R. 9 (25)—*

*Insert the following as item (4) of "Government of India's orders" under this rule:—*

"(4) The Director General, Posts and Telegraphs, has authorised to sanction the grant of special pay or compensa allowance (including house-rent allowance) or both to the holder a temporary post created by the Director General in any loca at the rate and subject to the conditions laid down by the Gove General in Council for permanent officials of the Indian Posts Telegraphs Department of similar status serving in the same loca provided that the pay of the temporary post *plus* the special does not exceed Rs. 350 a month."

[G. I. T. & T. Dept. letter No. 150 Post. A/29 Coll. II dated 14th Jan.]

*Audit Ruling.*—A provision in the contract of a Government servant appointed to a particular post that he should “also do all things that may be required of him” does not contemplate his being required to perform onerous additional duties in another post without remuneration.

[Ruling (6), Sec. IV of Compilation of Audit Rulings.]

**F. R. 9. (26) *Statutory Civil Servant*** means a native of India who was appointed, under notification of the Government of India in the Home Department, No. 1534, dated the 22nd August 1879, to an office, place or employment mentioned in section 6 of Statute 33 Vict., chapter 3.

**F. R. 9. (27) *Subsistence grant*** means a monthly grant made to a Government servant who is not in receipt of pay of leave-salary.

**\*(28) *Substantive pay*** means the pay other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (21) (a) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

**(29) *Technical pay*** means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.

*Secretary of State's orders.*—Technical pay is abolished with effect from 1st April 1924 in the Indian Service of Engineers, the Indian Railway Service of Engineering (I. S. E.), the Locomotive and Carriage and Wagon Departments, in State Railway Revenue establishments and the Superior Telegraph Engineering Branch of the Posts and Telegraphs Department.

[Rule 6 of Statutory Rules and Orders, 1924.]

**F. R. 9. (30) *Temporary post*** means a post carrying a definite rate of pay sanctioned for a limited time.

*Auditor-General's decision.*—A temporary post can be held either substantively or in an officiating capacity.

[Ar. G.'s No. 828-Code/117-22, dated 11th Dec. 1922.]

**†F. R. 9. (30A) *Tenure post*** means a permanent post which an individual Government servant may not hold for more than a limited period.

**NOTE.**—In case of doubt a Local Government may decide whether a particular post is or is not a tenure post.

**F. R. 9. (31) (a) *Time-scale pay*** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

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\* This amended clause has effect from the 18th March 1930.

† This new clause has effect from the 18th March 1930.

- \*(b) Time-scales are said to be *identical* if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.
- \*(c) A post is said to be on the *same* time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

*Government of India's Orders.—Method of calculation of average pay of a post on a time-scale of pay.*—In the case of services on time-scales of pay broken up into stages or grades or where there are selection grades and efficiency bars, the following formulæ may be applied for ascertaining the average pay:—

*Formulæ for calculating average cost of time scales of pay.*

FORMULA (1).

$$\text{Average pay} = \frac{A+B}{2} + \frac{(B-A)}{2} \left[ 1 - (R+1) \left\{ .014 + \frac{1-.01R}{F-E} \right\} \right]$$

FORMULA (2)

$$\text{Average pay} = \frac{A+B}{2} + \frac{(B-A)}{2} \left[ 1 - (R+1) \left\{ .021 + \frac{1-.015R}{F-E} \right\} \right]$$

In the formulæ (1) and (2),

A=minimum pay,

B=maximum pay,

R=period of rise,

E=average age at entry in the grade, and

F=average age at retirement on superannuation pension.

This may be taken to be 55 in almost every case unless there are special reasons to take it either at a lower or a higher figure.

FORMULA (3).

$$\text{Average pay} = \frac{A+C}{2} + \frac{(C-A)}{2} \left[ 1 - (S+1) \left\{ .006 + \frac{1-.004}{G-E} \right\} \right]$$

In formula (3),

A=minimum pay,

C=pay just before promotion to the second grade,

S=period of rise from A to C,

E=average age at entry in the first grade, and

G=average age at the time of promotion to the second grade.

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\* These new sub-clauses have effect from the 18th March 1930.

## FORMULA (4).

Average pay =  $\frac{1}{2} (A + W_1 B_1 + W_2 B_2 + X_1 C_1 + X_2 C_2)$ .

Where A = the initial pay of the scale,

$B_1, B_2$  = the maximum pay of the different Sections of the scale, such as the ordinary scale, the scale for passed

## No. 60.

Page 26, F. R. 9 (31)—

For the existing clause against " $W_1, W_2$ ," in formula 4 of the "Government of India's orders" under this rule *substitute* the clause "the proportion of the establishment which would normally reach the maximum  $B_1, B_2$  respectively."

[G. I., F. D., letter No. D-114S—Ex. I., dated 6th March 1931.]

(No. 60, dated the 25th April 1931.)

## No. 88.

Page 26, F. R. 9 (31)—

Insert the following as item (2) of "Government of India's orders" under this rule, the existing entry being numbered (1):—

"(2) The Government of India have decided that, to find the average cost of an appointment in the junior scale of an All-India Service, formula (3) mentioned in Government of India orders (1) above should be used and that such proportion of overseas pay should be added to the minimum basic pay, as well as to the basic pay just before promotion to the Senior Scale, as the number of persons drawing overseas pay in the Junior Scale bears to the total number of persons in that scale."

[G. I., F. D., letter No. F-30-II-Ex. 1/31, dated 2nd April 1931.]

(No. 88, dated the 25th May 1931.)

## PART II.

### Chapter III.—General Conditions of Service.

**F. R. 10.** Except as provided by this rule, no person may be substantively appointed in India to a permanent post in Government service without a medical certificate of health, which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general order exempt any specified class of Government servants from the operation of this rule.

*[For rules made by the Governor General in Council, under Fundamental Rule 10, see Supplementary Rules 3, 4 and 4-A.]*

*[For Administrative Instructions issued by the Governor General in Council in connection with Fundamental Rule 10 regarding conditions of age on appointment to Government service, see Part I of Appendix No. 3.]*

**F. R. 11.** Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the revenues of an Indian State.

**F. R. 12.** (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

**F. R. 13.** If a Government servant is transferred to duty which there is reason to believe will not terminate within three years, and retains no connection with his substantive post, a local Government may suspend his lien upon that post and fill it substantively, subject to the condition that the arrangements thus made will be reversed on the return of the Government servant in question. When the Government servant transferred draws pay in a selection grade of a cadre, another Government servant may, subject to the same reservation, be promoted to the selection grade even if no change of duties is involved.

*Audit Instruction.*—The period of three years prescribed in this rule applies to the probable duration of the absence of any particular officer from his own substantive appointment and not to

the permanency of the post to which he is transferred. This rule does not, however, apply to cases in which it is the recognised practice to make a permanent transfer.

### No. 53.

Page 28, F. R. 13—

Insert the following as item (2) of "Audit Instructions" under this rule, the existing entry being numbered (1):—

"(2) F. R. 13 applies only when a Government servant retains no connection with his substantive post. When a Government servant proceeds on leave, he counts service for pension in the post held substantively by him and any person appointed to officiate in that post cannot also count service in that post for pension as Article 355 (b) of the Civil Service Regulations prohibits it. The latter must count service in the post held substantively by him at that time for pension and therefore he retains connection with that substantive post. The lien of a Government servant on the permanent post held substantively by him cannot therefore be suspended when he is appointed to officiate in another post, the permanent incumbent of which is on leave, even if there is reason to believe that his duty in that post will not terminate within three years."

[Manual of Audit Instructions (1926). No. 161.]

(No. 53, dated the 25th April 1931.)

*Government of India's orders.*—All officers of the Army in India Reserve of Officers who are employed under the Central Government shall, when called to Army Service, retain a lien on their civil posts during the period for which they are called to Army Service.

[G. I. F. D. Endorsement No. F.-31-R.-I./29, dated 19th March 1929.]

**F. R. 15.** A Government servant shall not, save in cases of inefficiency or misbehaviour, be transferred substantively to a post carrying less pay than his relative position in the cadre of the service to which he belongs would justify.

*Government of India's decision.*—Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F. R. 15.

[G. I. F. D. letter No. F.-452-R.-I./27, dated 1st February 1928.]

**F. R. 16.** A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

**F. R. 17. (1)** Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties..

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

[*For Administrative Instructions issued by the Governor General in Council regarding "Charge of Office" and "Leaving Jurisdiction", see Part II of Appendix No. 3.*]

[*For orders issued by the Governor General in Council under Fundamental Rule 17 (2), see Appendix No. 5A.*]

*Audit Instructions—*

(1) A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred after noon, he commences to draw them from the following day.

[Para. 2, Chap. III, Sec. I of Manual of Audit Instructions (1926).]

(2) Officers appointed by the Secretary of State elsewhere than in India, who are entitled to first class passages on appointment, commence on first appointment to draw pay from the date of disembarkation, subject to their proceeding to take up their duties without avoidable delay.

NOTE.—The date of disembarkation mentioned above refers to the date of disembarkation at a port in India. Colombo should not be treated as a port in India for the purposes of these orders.

[Para. 3, Chap. III, Sec. I of Manual of Audit Instructions (1926).]

*Audit Ruling.*—The service of an officer of the Telegraph Department recruited in England begins from the date mentioned in his contract with the Secretary of State even if the conditions of Article 631 (ii), Civil Service Regulations, are not strictly fulfilled.

[Ruling (29), Sec. V of Compilation of Audit Rulings.]

**F. R. 18.** Unless the Governor General in Council, in view of the special circumstances of the case, shall otherwise determine, after five years' continuous absence from duty, elsewhere than on foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ.





## PART III.

## Chapter IV.—Pay.

**F. R. 19.** Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, the fixation of pay is within the competence of a local Government; provided that, except in the case of personal pay granted in the circumstances defined in Rule 9 (23) (a), the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

*Audit Instruction.*—It is not the intention of Fundamental Rule 19 that it should give a local Government power to grant less pay than is permissible under Fundamental Rules 22 and 23.

[Para. 1, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

*Auditor General's decision.*—The rule does not give a local  
No. 144.

Page 31, F. R. 20—

Insert the following as a "Government of India's decision" under this rule:—

"*Government of India's decision.*—A Government servant, who, as an officer of the Army in India Reserve, carries out his military training on the expiry of leave out of India taken from his civil appointment, and before rejoining his civil appointment for duty, should receive pay as follows:—

(1) Joining time civil pay from the date of disembarkation in India to the date preceding that on which his military training commenced.

(2) Full civil pay during the period of training."

(This decision takes effect from the 21st July 1931 and has retrospective effect to cover any outstanding cases which are under consideration on this date.)

[G. I., F. D., No. F-14 (25)-R. 1/31, dated the 17th August 1931.]

(No. 144, dated the 25th September 1931.)

~~Government of India's decision~~  
cranhists selected for training in connection with the ~~...~~

No. 13.

Page 31, F. R. 20—

Insert the following as item (2) of "Government of India's orders" under this rule, the existing entry being numbered (1):—

"(2) Civilian Government servants, while undergoing training in the Army in India Reserve of Officers, will draw pay in accordance with the rule in paragraph 38, Appendix XXX, Regulations for the Army in India."

*Audit Instructions—*

(1) In the case of a Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period and will count for increments in the same post under Fundamental Rule 26 (a).

In the case of a Government servant who, while officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty, while under training, the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.

[Para. 2, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

(2) A Government servant who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment may on every occasion during the period of instruction or training when he would have held that officiating appointment but for such instruction or training, be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

[Para. 2A, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

(3) The expressions "the pay of his substantive appointment" and "the pay of any officiating appointment" occurring in F. R. 20 should be taken to mean "the *pay* which the Government servant drew in the post which he held substantively" and "the *pay* which the Government servant drew in the post in which he officiated" respectively. In neither case is there any restriction on the *kind* of 'pay' to be drawn, and the expressions should therefore be held to include special pay, if any, which the Government servant drew in the post which he held substantively or in an officiating capacity.

[Para. 2B, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

**\*F. R. 21. Time-scale Pay.**—Rules 22 to 29 inclusive and Rule 31 apply to time-scales of pay generally. They do not, however, apply to any time-scale sanctioned by the Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale.

*Audit Ruling.*—The sanction of the Secretary of State is necessary to the abrogation of the application of existing rules to any scheme for a revision of pay which has been sanctioned by the Secretary of State unless the orders specifically permit such abrogation.

[Ruling (10), Sec. IV of Compilation of Audit Rulings.]

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\* Figure "31" has been substituted for figure "32" with effect from the 13th March 1930.

\*F. R. 22. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows :—

- (a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended under Rule 13—
- (i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance—  
No. 27.

Page 33, F. R. 22—

Add the following at the end of sub-clause (ii) of clause (a) of this rule :—

“ But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay.”

(This amendment takes effect from 18th March 1930.)

[G. I., F. D., Notification No. F-150-R. I/30, dated 18th February 1931.]

(No. 27, dated the 25th April 1931.)

~~the new post, whichever is less.~~

- (b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale.

Provided, both in cases covered by clause (a) and in those covered by clause (b), that if he either—

- (1) has previously held substantively or officiated in—
  - (i) the same post, or
  - (ii) a permanent or temporary post on the same time-scale, or
  - (iii) a permanent post other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post; or
- (2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (24) (a) (iii), which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions.

NOTE 1.—If the Government servant is entitled to overseas pay in the new post but was not drawing overseas pay in the old post, the overseas pay in the new post shall not be taken into account in determining the stage in the time-scale of the new post to which he is entitled under clause (a).

NOTE 2.—For the purposes of this Rule sterling overseas pay shall be converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe.”

*Government of India's decision.*—The Governor General in Council has decided that promotion to the ordinary cadre of service

**No. 2.**

*Page 34, F. R. 22—*

*Insert the following as item (2) of "Government of India's decisions" under this rule, the existing entry being numbered (1):—*

"(2) The Government of India—"

**No. 108.**

*Page 34, F. R. 22—*

*Insert the following as item (3) of "Government of India's decisions" under this rule:—*

"(3) A question arose whether identical time-scales—one attached to posts whose pay is governed by the Civil Service Regulations and the other subject to conditions prescribed by the Fundamental Rules—could be treated as identical for the purpose of the Pay Chapter in the Fundamental Rules. It has been decided with the concurrence of the Auditor General that when two posts are on identical time-scales, it is reasonable to hold that the duties and responsibilities to the posts are not very different in nature, irrespective of the fact whether the pay of the post is governed by the Civil Service Regulations or the Fundamental Rules, and that duty rendered in one of them may therefore be allowed to count towards increment in the other."

[G. I., F. D., letter No. F-14 (12)-R. I/31, dated 15th May 1931.]

(No. 108, dated the 25th June 1931.)

**No. 52.**

*Page 34, F. R. 22—*

*Insert the following as item (2) of "Audit Instructions" below this rule, the entry inserted by correction No. 6, dated 25th April 1931, being numbered (1):—*

**No. 100.**

*Page 34, F. R. 22—*

*Insert the following as item (3) of "Audit Instructions" under this Rule:—*

"(3) When a Government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time scale under F. R. 35, he must not be treated as having effectually officiated in that post within the meaning of F. R. 22, or having rendered duty in it within the meaning of F. R. 26. Such an officer on confirmation, should have his initial pay fixed under F. R. 22 (b) and draw the next increment after he has put in duty for the usual period required calculated from the date of his confirmation."

[Para. 13, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

(No. 100, dated the 25th June 1931.)

**F. R. 24.** An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

*Government of India's order.*—When the authority passing orders to withhold an increment fails to specify clearly for what period the officer is to be deprived of his increments, the deprivation should be held to cease on the expiry of the period during which the officer would have drawn the increment withheld and his future increments should not be withheld.

[G. I. F. D. No. 752-C. S. R., dated 6th July 1919.]

**F. R. 25.** Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

*Government of India's Order.*—On each occasion on which an officer is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time-scale at such stage as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service.

[G. I. H. D. letter No. F.-917-Ests., dated 2nd October 1922; also Ar. G.'s No. 997-A. & A./255-21, dated 16th May 1921.]

*Director General's Instructions.*—The cases of all men held up at an efficiency bar should be reviewed annually and if they are subsequently allowed to cross the bar, it should not be given retrospective effect.

[D. G. P. T.'s G. O. No. 12, dated 26th Aug. 1924.]

**F. R. 26.** The following provisions prescribe the conditions on which service counts for increments in a time-scale :—

- \*(a) All duty in a post on a time-scale counts for increments in that time-scale.
- (b) Officiating service in another post, service in a temporary post and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant concerned holds a lien, or would hold a lien had his lien not been suspended under Rule 13.

Provided that the local Government shall have power, in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's con-

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\* The amended clause has effect from the 18th March 1930.

trol, to direct that extraordinary leave shall be counted for increments under this clause.

- \*(c)** If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increments in the time-scale applicable to such lower post. This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated had he not been appointed to the higher post.
- (d)** If a Government servant's tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave or by foreign service, such duty, leave or foreign service counts for increments in the time-scale applicable to the temporary post if the Government servant returns to the temporary post.

Provided that the local Government shall have power, in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

**(e)** Foreign service counts for increments in the time-scale applicable to—

- (i) the post in Government service on which the Government servant concerned holds a lien, or would hold a lien had his lien not been suspended under Rule 13, and
- (ii) any post to which he may receive officiating promotion under Rule 113 below, for the duration of such promotion.

[*Example.*—A, pay Rs. 800—1,000, acted in the grade of Rs. 1,000—1,200 on the minimum pay from 16th April 1921 to 6th April 1922 and then proceeded on 10 months' leave on average pay from 7th April 1922. He was promoted substantively to the grade of Rs. 1,000—1,200 on 2nd August 1922 (while on leave).

He can count the period from 16th April 1921 to 6th April 1922 as well as the period of leave from 2nd August 1922 to 6th February 1923, for increment in the scale of Rs. 1,000—1,200, as he had a lien on a post in that grade with effect from that date (*Vide* F. Rs. 12 (c) and 26 (b)).]

[Ar. G.'s No. 816-A./299-23, dated 24th July 1923.]

*Secretary of State's decision.*—Under paragraph 4 of Government of India, Finance Department, letter No. 1079-C. S. R., dated the 26th October 1921 (*vide* entry below Fundamental Rule 58), Government servants who elect the leave rules in the Fundamental Rules and take leave for the first occasion after the intro-

\* The amended clause has effect from the 18th March 1930.

duction of those rules have the option of drawing, during the portion of leave corresponding to privilege leave, the pay of the post on which he holds a lien. The Secretary of State has decided that for the purpose of regulating the pay of Government servants who avail themselves of the concession referred to above, the term lien in Fundamental Rule 26 (b) should receive the interpretation which it bears in the Civil Service Regulations.

[G. I. F. D. No. F-60-24-C. S. R., dated 21st July 1924.]

*Secretary of State's orders.*—It has been sanctioned by the Secretary of State in Council that if a Government servant, while holding an 'administrative post in any of the Imperial services' within the meaning of paragraph 8 of Government of India, Finance Department, Resolution No. 1559-E. A., dated 16th August 1921 (extract given below), is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, for the purposes of the orders in that paragraph, be regarded as service in the administrative post. This concession takes effect from 1st January 1922.

[India Office No. F-5225-24-Fin., dated 5th Jan. 1925, received with G. I. F. D. No. 1179-Ex., dated 3rd February 1925.]

Finally, the Secretary of State has ordered that all temporary or officiating service in an administrative post in any of the imperial services, and all service and leave during which a Government servant held a lien on such a post, or would have held a lien had it not been suspended, shall count for increments in the time-scale applicable to that post, whether such service be continuous or not. This rule should be so applied to officers at present holding administrative posts as to permit them to draw, with effect from the 30th April 1921, pay in the time-scale now applicable to those posts calculated on the assumption that all service of the kinds in question has counted for increments.

[Para. 8 of G. I. F. D. Resolution No. 1559-E. A., dated the 16th August 1921.]

#### *Government of India's decisions—*

(1) See entry below F. R. 9 (13).

(2) Clause (d) of F. R. 26 applies to substantive and not to officiating tenure, of a temporary post. Officiating tenure, whether of a permanent or a temporary post, is governed by clause (b).

[G. I. F. D. letter No. F-61-C. S. R.—27, dated 21st February 1927.]

#### *Audit Instructions—*

(1) The intention of clause (c) is to allow the concession, irrespective of (i) whether the higher post is within or outside the department to which the Government servant belongs, and (ii) whether the Government servant, but for his appointment to the higher post, would have continued to officiate in the lower post or not.

[Para. 7, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

(2) A period of overstaya of leave does not count towards increment under the Fundamental Rules.

[Para. 6A, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]



(3) If a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.

[Para. 6, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

*Audit Ruling.*—Fundamental Rule 26 (c) applies to Provincial Civil Service Officers holding “listed posts”.

[Ruling (12), Sec. IV of Compilation of Audit Rulings.]

*Auditor General's decisions—*

(1) Fundamental Rule 26 (c) introduces a new concession and not an alternative to that admissible under Fundamental Rules 26 (a) and 32. Such officiating service in a higher post or service in a higher temporary post, therefore, counts for increments both in the lower and higher posts.

[Ar. G.'s No. 5-A/412-23, dated 7th January 1924, to A. G., P. & T.]

(2) The holder of a temporary post which is eventually made permanent and which carries the same time-scale of pay throughout, if he was holding it substantively when the post was made permanent, is entitled to count under F. R. 26 (a) his whole service in the post for increments in the time-scale of pay of that post.

[Ar. G.'s No. 246-A/104-27, dated 30th May 1927.]

**F. R. 27.** An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

*Government of India's orders—*

(1) In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments as an officer, who has so risen.

[G. I. F. D. No. 752-C. S. R., dated 6th July 1919.]

(2) The Governor General in Council has decided that the Government are not prepared to state the reasons for their action under any of the Fundamental Rules when the said rules themselves contain no such conditions or stipulation.

[G. I. F. D. letter No. F-69-R.-I./23, dated 22nd May 1928.]

*Auditor General's decisions—*

(1) In drafting the Fundamental Rules it was clearly recognised that Fundamental Rule 27 would enable initial rates of pay to be fixed otherwise than in the manner enunciated in Fundamental Rule 22.

[Ar. G.'s D. O. No. 2-A/408-23, dated 3rd January 1924 to A. G., P. & T.]

(2) The expression “ scale of pay ” represents the maximum of the scale which is to be taken into account for determining the authority competent to sanction increments rather than the stage of it.

[Letter No. 145-A/3-23 from Auditor, Government of India Sanctions.]

(3) When the Auditor General and the Controller of Civil Accounts sanction advance increments in future, they will definitely state if it is intended that a full year's benefit should be given, whenever this is not stated in an order, the recipient must serve for a full year on the new rate before he can earn another increment.

[Ar. G.'s letter No. 730-N.G.E./721—29, dated 4th April 1930.]

**F. R. 28.** The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

**\*F. R. 29.** If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so to what extent.

*Accountant General's decision.*—A Gazetted Postmaster, drawing Rs. 390 in the scale of Rs. 350—20—650, was reduced to the scale of Rs. 250—20—350 and allowed the maximum pay of Rs. 350 in the latter. The scale of Rs. 350—20—650 was, in the meantime, replaced by the new scale of Rs. 350—30—650, with effect from the 1st March 1926, and the official was promoted substantively to the new scale at a subsequent date. The question arose as to how his pay should be fixed in the new scale. It was decided that the pay of the official should be fixed first in the old scale on the date of promotion by applying F. R. 29 and then he should be brought on to the new scale by applying F. R. 22.

[A. G. P. T.'s letter No. Mis.-2352/T-219, dated 21st December 1927.]

**†F. R. 30.** Pay of officiating Government servants—

(1) Subject to the provisions of Chapter VI, a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the post in which he is appointed to officiate is one of those enumerated in the schedule to this Rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended under Rule 13.

Provided that the local Government may exempt from the operation of this Rule any service other than an all-India

\* This revised rule has effect from the 17th October 1928.

† The amended rule has effect from the 18th March 1930.

service which is not organised on a time-scale basis and in which a system of acting promotion from grade to grade is in force at the time of the coming into force of these Rules :

Provided further that the Governor General in Council may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this Rule and subject to such conditions as the Governor General in Council may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay (whether with or without any special pay attached to such posts) as they would have received if still in the ordinary line.

(2) For the purpose of this Rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended under Rule 13, or on a scale of pay identical therewith.

#### SCHEDULE.

- (1) District and Sessions Judges, 1st grade.
- (2) Sub-Collectors, 1st grade, in the Madras Presidency.
- (3) Selection Grade of the Indian Police Service.
- (4) Accountants-General, Class I.
- (5) Chief Engineers, Indian Service of Engineers, State Railways.
- (6) Selection posts of Collectors of Customs on pay of Rs. 3,000.
- (7) Selection grade on pay of Rs. 2,500 sanctioned for Post-masters-General who are not members of the Indian Civil Service.
- (8) The following grades in the Telegraph Department:—
  - (a) Deputy Superintendents, Traffic, 1st class.
  - (b) Deputy Assistant Engineers, 1st class.
  - (c) Deputy Assistant Electricians, 1st class.
- (9) Commissioners, First Grade, in the Bombay Presidency.
- (10) Second Secretary to the Government of Madras.

#### *Government of India's decisions—*

(1) It has been brought to notice that some doubt has been felt as to the application of the exception under Fundamental Rule 30 [proviso under revised Fundamental Rule 30 (1)] in the cases of ministerial and other establishments in which there are no grades in the sense in which the word is used in Civil Service Regulations. The exception (proviso) is intended to cover, where necessary, all

cases of the grant of acting allowance from one fixed rate of pay to another without change of duty in other than all-India services.

[G. I. F. D. No. 738-C. S. R., dated 13th July 1922.]

(2) The Government of India have decided that the Fundamental Rules regarding acting allowances should be applied to the

### No. 3.

Page 41, F. R. 30—

*Insert* the following as item (3) of “ Government of India’s decisions ” under this rule:—

(3) See item (2) of “ Government of India’s decisions ” under F. R. 22 as inserted by correction No. 2, dated the 25th April 1931.

(No. 3, dated the 25th April 1931.)

### No. 50.

Page 41, F. R. 30—

*Insert* the following as an “ Audit Instruction ” after the “ Government of India’s order ” under this rule:—

“ *Audit Instruction*—

(i) It is not intended that the phrase ‘ outside the ordinary line of service ’ in the second proviso to clause (i) of Fundamental Rule 30 should be rigidly interpreted either as ‘ outside the cadre of a service ’ or as ‘ outside the ordinary time-scale ’. The form of words adopted was designed to allow the Government of India to exercise their discretion in regard to cases where exceptional circumstances which could not be foreseen and provided for by rule, might arise.

(ii) The specification of a post under this proviso will enable a Government servant to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post.”

[Manual of Audit Instructions (1926), No. 153.]

(No. 50, dated the 25th April 1931.)

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~~Government servant officiating in a post~~ Government servant officiating in a post shall be entitled to the presumptive pay of that post, provided that, if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under Rule 13, should at any time be greater than the presumptive pay of the post in which he officiates, he will draw the presumptive pay of the permanent post.

*Government of India’s decision.*—The pay of Telegraphists of the general, local or station service appointed to officiate as Telegraph Master should be regulated on the basis of the pay of the service (general, local or station) to which the officiating Telegraph

Master belongs and not of the pay of the Telegraph Master who is the absentee.

[G. I. D. I. L. No. 123-P. T. E., dated 21st June 1927.]

*Audit Instruction.* A time scale is generally attached to a

### No. 145.

Page 42, F. R. 31—

Insert the following as item (2) of "Audit Instructions" under this rule, the existing entry being numbered (1):—

"(2) Allowance of 10s. 6d. a day to King's Honorary Physicians and Surgeons who are Lieutenant-Colonels or Brevet Colonels in the Indian Medical Service.—When a Lieutenant-Colonel or a Brevet Colonel in the Indian Medical Service in receipt of the allowance officiates in and draws the pay of a post held substantively by a Colonel or a General Officer, the issue of this allowance, should be suspended."

[Manual of Audit Instructions (1926), No. 185.]

(No. 145, dated the 25th September 1931.)

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#### Time scale.

*Audit Instruction.*—If a Government servant, who is personally qualified to draw overseas pay, is appointed to officiate in a post on a time-scale, the pay of which is fixed personally for the substantive holder of the post and includes sterling overseas pay, the lowest stage in the time-scale, for the purposes of F. R. 33, is the minimum of the time-scale, *plus* the sterling overseas pay included in the pay fixed personally for the substantive holder of the post. A local Government is, therefore, competent to grant to such officiating Government servant the sterling overseas pay included in the pay fixed personally for the substantive holder of the post.

[Para. 11A, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 34.** Deleted. [With effect from the 18th March 1930.]

**F. R. 35.** A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

*Audit Instruction.*—One class of case falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post.

[Para. 12, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 36.** A local Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under Rule 9 (6) (b).

*Government of India's orders—*

(1) The Government of India have ordered that Superintendents of Post Offices should be allowed to draw, while undergoing a course of training in telegraphy, the pay or salary which they were drawing before their period of training commenced or which they would otherwise have drawn in the regular line and that officiating appointments may be made in place of Superintendents attached to the Telegraph Training class.

[G. I. C. I. D. letter No. 8453-192, dated 24th November 1910.]

(2) The Government of India have delegated to the Auditor General the power to authorise non-gazetted Government servants in his office, or in the offices under his control, to undergo a course of training or instruction in any office, whether in the Audit Department or outside it. They are also pleased, under Fundamental Rule 36, to allow officiating arrangements to be made in place of Government servants authorised to undergo a course of training under these orders.

[G. I. F. D. No. 3379-F. E., dated 29th November 1924.]

(3) The Government of India have authorised the Director General of Posts and Telegraphs to sanction, under F. R. 36, acting promotions in place of officials of the Posts and Telegraphs Department not directly appointed by the Government of India, who are treated as on duty under F. R. 9 (6) (b).

[G. I. I. & L. D. No. 27-P. T. E., dated 6th August 1926, and No. 27-P. T. E., dated 6th September 1926.]

(4) Acting promotions may be made in the place of Government servants undergoing training in the Army in India Reserve

**No. 12.***Page 43, F. R. 36—*

Add the words "and for increments of civil pay" at the end of item (4) of "Government of India's orders" under this rule.

[G. I., F. D., No. F-111-R. I/30, dated 16th August 1930.]

(No. 12, dated the 25th April 1931.)

**F. R. 37. Personal pay.**

it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

**F. R. 38. Pay of Official Members of the Indian Legislature.—**

A Government servant nominated as a member of the Legislative Assembly or the Council of State shall receive, while serving on the Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Governor General in Council may fix.

*Government of India's decision.*—The Government of India have decided that the correct procedure under the Fundamental Rules is to create for the officer selected to attend the Session, a

temporary post for the period of his absence from his headquarters. It will then be possible to make arrangements for the performance of his regular duties without departing from the rules.

[G. I. F. D. No. 2291-C. S. R., dated 20th December 1923.]

*Audit Instruction.*—In their Finance Department letter No 2291-C. S. R., dated the 20th December 1923, read with their letter No. F-45-C. S. R., dated the 19th July 1924, the Government of India have ruled that when a Government official is nominated as a member of the Legislative Assembly or the Council of State, it is permissible for the local Government to create a temporary post for the period of his absence from his headquarters and to appoint him thereto. Officiating arrangement may then be made under the ordinary rules for the performance of his regular duties at his permanent headquarters.

[Para. 14, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 39. Pay of temporary posts.**—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

**F. R. 40.** When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to :—

- (a) the character and responsibility of the works to be performed, and
- (b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

*Audit Instruction.*—Under the Fundamental Rules, special duty or deputation in India will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant then rules 39 and 40 will apply.

[Para. 15, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 41. Cancelled.** [With effect from the 1st April 1924.]

**F. R. 42. Subsistence Grants.**—A local Government may make a subsistence grant to a Government servant in the following circumstances :—

- (a) To any Government servant other than a military officer, while under suspension.
- (b) To any Government servant appointed in the United Kingdom, up to a maximum of two months, if, on first arrival in India, he is prevented by illness from proceeding to the seat of the Government to which he is attached or to any other station to which he is ordered to proceed direct.

**F. R. 43.** The amount of subsistence grant shall be regulated as follows :—

(a) In the case of—

(i) a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the civil leave rules; or

(ii) any other Government servant receiving subsistence grant under rule 42 (b),

it shall be such as the Secretary of State in Council may by general order prescribe.

(b) In the case of any Government servant under suspension, other than a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, it shall be such as the suspending authority may direct, but shall in no case exceed one-fourth of the pay of the suspended Government servant.

*Secretary of State's Rules under Fundamental Rule 43(a).—*  
The Secretary of State in Council is pleased to issue the following general orders under Fundamental Rules 43 (a) :—

(1) The subsistence grant of a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the civil leave rules shall be as shown in the following table :—

Period spent by the Government servant on duty in India.	AMOUNT OF THE GRANT.	
	If drawn out of Asia.	If drawn in Asia.
	£	Rs.
Not more than 8 years . . . . .	33½	333½
More than 8, but not more than 12 years .	42½	426½
More than 12, but not more than 16 years.	53½	533½
More than 16 years . . . . .	66½	666

(2) The subsistence grant of a Government servant appointed in the United Kingdom, other than the Government servants mentioned in paragraph (1) above, who, on first arrival in India, is prevented by illness from proceeding to the seat of Government to which he is attached or to any other station to which he is ordered to proceed direct, shall be Rs. 250 or the pay to which he will be entitled when he takes over charge of his duties, whichever is less.

[G. I. F. D. Res. No. 421-C. S. R., dated 10th May 1922.]



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*Audit Instruction.*—While the suspending authority has discretion under Fundamental Rule 43 (b) to fix the amount of subsistence grant as such figure as it may think fit, subject to the prescribed maximum, it has not authority under clause (b) of Fundamental Rule 53 to refuse a subsistence grant altogether in any case which falls under that clause.

[Para. 16, Chap. IV, Sec. I of Manual of Audit Instructions (1926).]

## Chapter V.—Additions to pay.

**F. R. 44. *Compensatory allowances.***—Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, and to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a Local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

[For rules made by the Governor General in Council in his capacity as a Local Government, under Fundamental Rule 44, see *Supplementary Rules 5-8 and 17-195.*]

*Orders issued by the Secretary of State for India declaring exchange compensation allowance to be a compensatory allowance under Fundamental Rule 44.*—The Secretary of State in Council has reserved to himself the power of sanctioning the grant to Government servants of exchange compensation allowance; and to issue the following orders regarding the conditions under, and the rate at, which exchange compensation allowance may be drawn:—

1. In these orders:—

- (a) *Current rate of exchange* means the rate of exchange for telegraphic transfers from Calcutta on London on the twentieth day of the month preceding that in which a claim for exchange compensation allowance is made.
- (b) *Exchange compensation allowance* means a compensatory allowance granted to compensate a Government servant for a fall of the sterling value of the rupee below one shilling and six pence.
- (c) *Quarter* means a period of three months, ending on the 31st March, the 30th June, the 30th September, or the 31st December.

2. The following classes of Government servants may draw exchange compensation allowance:—

- (a) Members of the Indian Police Service, recruited prior to 1906, who were in receipt of the allowance on the date on which these orders came into force.

- (b) Government servants who, on the date on which these orders came into force, were serving under a contract which provided for the grant of the allowance, for so long as they continue so to serve.
  - (c) Any other Government servant whom the Secretary of State in Council may declare to be eligible for the allowance.
3. The amount of exchange compensation allowance admissible to a Government servant is the number of rupees by which one-half of his pay falls short of the sum which, when converted at the current rate of exchange, will yield the sterling equivalent of one-half of his pay converted at the rate of one shilling and six pence; provided that the total amount of exchange compensation allowance drawn by a Government servant in any quarter shall not exceed the number of rupees by which a sum of £250, converted into rupees at the rate of one shilling and six pence, falls short of the rupee equivalent of the same sum when converted at the current rate of exchange.
4. (a) Exchange compensation allowance cannot be drawn by a Government servant while on foreign service or under suspension.
- (b) Exchange compensation allowance, if otherwise admissible, may be drawn by a Government servant during the first four months of any period of leave on average pay.

[G. I. F. D. Res. No. 2657-F. E., dated 19th December 1922.]

*Government of India's orders—*

(1) The Governor General in Council has authorised the Director General of Posts and Telegraphs to sanction house-rent allowance to the inferior servants employed in the Telegraph Traffic and Engineering Branches in cases where the conditions of the grant of such allowance and the amount have been laid down in the case of inferior servants of the Post Office. In such cases it may be presumed that the consent of the competent authority has been obtained.

[G. I. I. & L. D. No. 76-P. T., dated 16th September 1924.]

(2) The Government of India have empowered the Director General of Posts and Telegraphs to sanction house-rent allowance to Postmasters, who are not provided with free quarters, in charge of town offices in certain special localities at rates not exceeding those specified below. The grant of these allowances is subject to the

condition that the official concerned lives within a reasonable distance of the post office of which he is in charge.

Town offices subordinate to	Scale of pay.	Amount of House-rent allowance.
	Rs.	Rs.
Calcutta General Post Office and Alipore and Howrah Head Offices.	45—140	10
	145—170	20
Bombay General Post Office . . . .	60—150	15
	145—170	20
Rangoon Head Office . . . . .	60—150	15
	145—170	20

[G. I. I. & L. D. No. 27-P. T. E., dated 15th May 1926.]

(3) The Government of India have delegated to all Chief Commissioners the same power in respect of the grant of compensatory allowance as they have in the matter of granting special pay.

[G. I. F. D., letter No. 1731-C. S. R., dated 19th September 1923.]

(2) Government of India's Orders under F. R.  
**No. 61.**

*Page 49, F. R. 44—*

*Insert the following as item (5) of the "Government of India's Orders" under this rule:—*

"(5) See entry below F. R. 9 (25) as introduced by correction No. 59, dated the 25th April 1931."

(No. 61, dated the 25th April 1931.)

[Para. 1, Chap. V, Manual of Audit Instructions (1926).]

(2) A Central Government servant stationed in one province when transferred to foreign service in another province, on terms which give him travelling allowance on transfer under the ordinary rules, ranks for the purpose of travelling allowance for the complete journey on transfer, as a Government servant of the grade in which he is included in the original province.

[Para. 2A, Chap. V, Sec. I of Manual of Audit Instructions (1926).]

(3) Hill Allowances fall under "Compensatory allowances." Local Governments have powers to sanction them under Fundamental Rule 44.

[Para. 3, Chap. V, Sec. I of Manual of Audit Instructions (1926).]

(4) The word "drawn" in paragraph 3 of Government of India, Finance Department, Resolution No. 2657-F. E., dated 19th December 1922 should be interpreted as "earned".

[Para. 5, Sec. X of Manual of Audit Instructions (1926).]

(5) Paragraph 4 (b) of Government of India, Finance Department, Resolution No. 2657-F. E., dated 19th December, 1922.—Exchange compensation allowance, if otherwise admissible, may be drawn during the whole of the period of leave on average pay corresponding to the amount of privilege leave at a Government servant's credit on 1st January 1922, which may extend to six months under the special concession referred to in Note 1 to Fundamental Rule 89.

[Para. 6, Sec. X of Manual of Audit Instructions (1926).]

#### *Audit Rulings—*

(1) Travelling allowance granted to candidates for admission into an Agricultural College, who are asked to interview the Principal, should be treated as a contingent charge.

[Ruling (15), Sec. IV of Compilation of Audit Rulings.]

(2) The Secretary of State having sanctioned *Kran* compensation allowance to officers in civil employ in Persia, the grant of the allowance from the same date to officers attached to Survey parties in Persia on a portion of their emoluments, requires no further sanction.

[Ruling (16), Sec. IV of Compilation of Audit Rulings.]

(3) The sanction of the Secretary of State is necessary for the extension of Exchange Concession to an establishment serving at a place near to, but not identical with, a place for which he has sanctioned this concession.

[Ruling (17), Sec. IV of Compilation of Audit Rulings.]

(4) The grant of Burma Allowance to officers recruited on special rates of pay in or for service solely in Burma, is inadmissible, as the allowance becomes a source of profit.

[Ruling (18), Sec. IV of Compilation of Audit Rulings.]

(5) Burma Allowance granted to a Provincial Police officer promoted to the Imperial Police, is, *prima facie*, a source of profit, since his pay before promotion was fixed in view of local conditions.

[Ruling (19), Sec. IV of Compilation of Audit Rulings.]

(6) Exchange Compensation Allowance is not admissible to Police officers otherwise eligible, when they hold special posts, not included in the Police cadre.

[Ruling (20), Sec. IV of Compilation of Audit Rulings.]

*Auditor General's decision.*—The Auditor General has ruled that in accordance with F. R. 44 the Government of India (in the case of the Central Government officers) may first specify rates and

conditions and then permit subordinate authorities to grant compensatory allowances subject to the maximum rates and to those conditions.

[A. G. P. & T.'s letter No. Mis.-358/H.-33(a), dated 16th May 1927.]

*Accountant General's decision.*—Ordinarily the power to grant compensatory allowances to Posts and Telegraphs officials resides solely with the Governor General in Council under Fundamental Rule 44. But where a general sanction of the Government of India had been given to the grant of compensatory allowance at specified rates to all or to specified classes of Government servants in a locality the Director General of Posts and Telegraphs has powers to create additional posts in the locality with compensatory allowances not exceeding the rates sanctioned by the Government of India.

[A. G. P. & T.'s Nos. Mis.-2736-H.-33 (a), dated 11th October 1922 and Mis.-3861-H.-33 (a), dated 1st February 1923.]

**\*F. R. 45. A Local Government may make rules laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the Local Government may make available for the purpose. Such rules may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.**

[For rules made by the Governor General in Council, under Fundamental Rule 45, in his capacity as a Local Government, see Supplementary Rules 311 to 317.]

**F. R. 45A-I.** This rule applies, with effect from the 1st April 1924, to members of the Services and to Government servants holding the posts included in the Schedule to this Rule and to Government servants who hold in a substantive capacity posts borne on the cadre of the Services included therein.

**II.** For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation); and shall be either—

- (a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or, when this is not known,
- (b) the present value of the residence.

**NOTE.**—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

- (i) a Local Government may make rules providing the manner in which the present value of residences shall be determined;
- (ii) a Local Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site;
- (iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;
- (iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;
- (v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—
  - (1) When a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or
  - (2) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;
- (vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may by rules determine what are to be regarded as fittings for this purpose.

III.. The standard rent of a residence shall be calculated as follows :—

- (a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes payable by Government.

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make, or

(ii) 6 per cent. per annum of such capital cost, whichever is less.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A Local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed :—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in these Rules, he shall pay rent for the residence, and such rent shall be the standard rent as defined in clause III above or 10 per cent. of his monthly emoluments, whichever is less.

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment



of rent, subject to the following conditions being fulfilled :—

- (1) that the basis of assessment is uniform; and
  - (2) that the amount taken from any officer shall not exceed 10 per cent. of his monthly emoluments;
- (ii) taking a rent in excess of that prescribed in sub-clause (b) above from an officer—
- (1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or
  - (2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or
  - (3) who is in receipt of a compensatory allowance granted on account of dearness of living.

V. In special circumstances, for reasons which should be recorded, a Local Government—

- (a) may, by general or special order, grant rent free accommodation to any officer or class of officers, or
- (b) may, by special order, waive or reduce the amount of rent to be recovered from any officer.

VI. If a residence is supplied with services, other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay meter hire and the cost of the water, electric energy, etc., consumed. A Local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. A Local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the first of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule.

VIII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

*Schedule.***A.—SERVICES.**

Indian Civil Service.  
Indian Police Service.  
Indian Agricultural Service.  
Indian Educational Service.  
Indian Forest Service.  
Indian Forest Engineering Service.  
Indian Medical Service (Civil).  
Indian Service of Engineers.  
Indian Veterinary Service.  
Indian Audit and Accounts Service.  
Superior Service Officers of the Military Accounts Department.  
Mint and Assay Departments.  
Imperial Customs Service.  
Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.  
Geological Survey of India (Director, Superintendents, Assistant Superintendents and Chemist).  
Indian Meteorological Service (Director General of Observatories and Meteorologists).  
Department of Mines in India.  
Archæological Department.  
Zoological Survey of India.  
Survey of India, Class I.  
Indian Ecclesiastical Establishment.  
Political Department of the Government of India.  
Medical Research Department (excluding Indian Medical Service Officers).  
Opium Department (excluding officers who joined the Department after the 2nd April 1907).  
Bengal Pilot Service.

**B.—POSTS.****1. Indian Posts and Telegraphs Department—****(i) In the Postal Department—**

Deputy Director-General.  
Postmasters-General.  
Deputy Postmasters-General.  
Assistant Directors-General.  
Presidency Postmasters (including Postmaster, Rangoon).

**(ii) In the Telegraph Traffic Branch—**

Deputy Director-General.  
Assistant Director-General.  
First Division of the Superior Traffic Branch.

**2. Commissioners and Assistant Commissioners of Income-tax.****3. Commissioner, Deputy Commissioner and General Managers of the Northern India Salt Revenue Department.****4. Officers of the Cantonment Department if on the Supernumerary list.**

[For rules made by the Governor General in Council, under Fundamental Rule 45A, in his capacity as a Local Government, see Supplementary Rules 318 and 326.]

*Secretary of State's Rules.*—In pursuance of Fundamental Rule 45 (b), Note (ii), [corresponds to clause III (b) of new F. R.'s 45A and 45B], the Secretary of State in Council has prescribed as the rate of interest to be applied in calculating the rent of a house which may be occupied for the first time after 19th June 1922, being the date of receipt of his orders, the rate which is in force, as the standard of return from productive irrigation works, at the time of acquisition or construction of the house. He further directed that the basic interest rate on which rents for houses previously occupied have been calculated, may remain unaltered unless in any case they are higher than that now prescribed for houses occupied hereafter.

These rates are as follows:—

### No. 10.

Page 56, F. R. 45-A—

Insert the following as “Government of India's order” under this rule:—

“*Government of India's order.*—The Governor General in Council has extended the operation of F. R. 45-A to all Government servants under his administrative control not already included in the Schedule to F. R. 45-A.”

[G. I., F. D., letter No. D/199-A., dated 30th March 1929.]

(No. 10, dated the 25th April 1931.)

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[G. I. F. D. No. 1061-E. B., dated 4th Sep. 1922.]

(2) The Government of India have decided that it is not the intention of *old* Fundamental Rule 45 (b), Note (ii) that the Capital cost of residences, acquired or constructed by Government prior to 1st January 1922, should be modified so as to include the assessed value of site which was not taken into account in arriving at the original Capital cost under paragraph 325, Rule 1 (c), Public Works Department Code (10th edition).

[Ar. G.'s No. 1231-A/449-23, dated 13th Dec. 1923.]

(3) It has been decided by the Governor General in Council under Fundamental Rule 45 (e) [corresponds to clause V of new F. R.'s 45A and 45B] that an officer may, during absence on leave or on duty elsewhere (including the part of a year during which he is permitted to perform his duties at a hill station), be permitted by the Superintending Engineer to store at his own risk, free of rent, his furniture and other belongings in the residence when both the conditions specified below are fulfilled:—

- (i) the temporary incumbent does not require the residence and is exempted from the payment of the rent thereof; and

- (ii) arrangements cannot be made to lease the house during the absence of the permanent incumbent.

[G. I. F. D. No. 201-C. S. R.-24, dated 16th Oct. 1924.]

(4) Fundamental Rule 45 (c) (i) [*corresponds to clause IV (c) (i) of new F. R.'s 45A and 45B*] does not provide for the exclusion from the calculation of any house in the particular area chosen. The idea underlying the paragraph was that higher paid officers might make up for any loss which was incurred by Government as far as the rents of residences of lower paid officers were concerned.

[G. I. F. D. No. F. 2-C. S. R./25, dated 7th Jan. 1925.]

(5) A case has been brought to the notice of the Government of India in which an officer provided with a Government residence, who was paying a provisional rate of rent, sublet the residence during leave on that rate. During his absence, the standard rent of the building was fixed at a figure which was higher than both the provisional rate of rent and 10 per cent. of the emoluments of the officer. The question which then arose was whether the officer in question should not be made to pay the full standard rent limited to 10 per cent. of his emoluments, as it is nowhere definitely laid down that Fundamental Rule 45 [*corresponds to new F. R.'s 45A and 45B*] is applicable to Government servants on leave. The Governor General in Council has decided under Fundamental Rule 8 that Fundamental Rule 45 [*corresponds to new F. R.'s 45A and 45B*] applies to Government servants on leave and that in such cases the officers on leave are liable for the full assessed rent subject to the 10 per cent. limit (*i.e.*, 10 per cent. of the emoluments last drawn by the officer).

[G. I. F. D. No. F.-259-C. S. R.-24, dated 3rd Jan. 1925.]

(6) As there is no reason why an officer on long leave should retain his house, the Government of India have decided that a Government servant, who goes on leave other than leave on average pay not exceeding 4 months, should be held to have ceased to be in occupation of the building from the date of commencement of such leave unless for any reason the Local Government decides otherwise.

[G. I. F. D. No. F.-198-C. S. R.-25, dated 21st Aug. 1925.]

(7) The Government of India have decided that the whole deduction on account of house-rent from officers in receipt of sterling overseas pay should be made in India and that sterling overseas pay should be converted into rupees at the following rates for the purpose of calculating house-rent if the amount of house-rent due has to be determined with reference to pay of the occupier:—

In respect of past transactions to end of December 1924—1s.  
5  $\frac{7}{16}$ d. and

In future—at the current rate of exchange mentioned in Article 343, Account Code.

[Ar. G.'s No. 108-Admn./K. W. 621-24, dated 24th Jan. 1925.]

[NOTE.—The current rate of exchange has been fixed at 1s. 6d. to the rupee.]

(8) The Government of India have issued the following orders on the question of the recovery of rents for the motor garages provided in Government residential quarters of the Postal and Telegraph Officers:—

- (i) In ordinary places, where garages can reasonably be expected to be provided with quarters just as stables or coach-houses in former years, the cost of the garage should be lumped in with that of the residence;
- (ii) In expensive places like Bombay and Calcutta where a flat does not necessarily carry with it extra amenities like a motor garage and very often a tenant has to make separate arrangements and pay extra for the use of a garage, the prevailing garage rent should be charged in addition to the rent for quarters.

[G. I. D. I. L. No. 32-G./P. T., dated 31st May 1927.]

(9) An officer who, at his own request, is supplied with a residence owned or leased by the Central Government, of a class higher than that for which he is eligible, when a house of his class is available for him, should be charged the full standard rent laid down in Fundamental Rules 45A or 45B, as the case may be, and should not be given the benefit of the 10 per cent. concession afforded by clause IV (b) of these rules.

[G. I. F. D. No. F-3-XI-R. I./28, dated 28rd March 1928.]

(10) Under clause V of F. R. 45A, the Governor General in Council has decided that, so far as servants under the administrative control of the Governor General in Council or under any Chief Commissioner are concerned, the concession of rent-free quarters will in future be complete, that is, no additional charge will normally be made in respect of sanitary, water supply and electric installations. Government servants to whom F. R. 45A applies and who were granted rent-free quarters under the *old* F. R. 45 (e), but were not exempted under the *old* F. R. 45 (f) from additional rent on account of sanitary, water supply and electric installations may be refunded the rent paid by them for such installations from 1st April 1924 onwards.

[G. I. F. D., letter No. F-3-VII-R. I./28, dated 7th June 1928.]

(11) The substantive part of the rule [F. R. 45A-II] provides that 'for the purpose of the assessment of rent the capital cost of a residence shall be either—

- (a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or *when this is not known*,
- (b) the present value of the residence '.

Clause (i) in the proviso obviously does no more than supplement (b) in the substantive part by settling the manner in which the present value is to be determined in cases in which the factors for valuation are not known. Clause (iii) which unlike clause

**No. 63.**

*Page 59, F. R. 45-A—*

*Insert* the following as item (12) of “Government of India’s decisions” under this rule:—

“(12) With a view to simplifying the method of calculation of the standard rent of residential buildings of the Posts and Telegraphs Department first occupied after the 1st April 1929, from which date the new Fundamental Rule 45-A was extended to all officials of the Department, the Governor General in Council is pleased to decide that until further notice the uniform rate of 6 per cent. on the Capital cost of all such buildings, as laid down in Fundamental Rule 45-A-III (b) (ii), should be adopted for the assessment of standard rent.”

[G. I., F. D., Endorsement No. Misc./B. S.-236/30, dated 23rd March 1931.]  
(No. 63, dated the 25th April 1931.)

**No. 64.**

*Page 59, F. R. 45-A—*

*Insert* the following as item (13) of “Government of India’s decisions” under this rule:—

“(13) A question having been raised whether the value of the site should be excluded in calculating the additional rent payable under Fundamental Rule 45-A-VI for the special services referred to therein, the Governor General in Council has decided that in the case of officers in the services under his control and those whose control has been retained by the Secretary of State in Council the value of the site should be excluded in calculating the rent of special services under the above rule.”

[G. I., F. D., No. F-3 (29-30) R. I./30, dated 13th March 1931.]

(No. 64, dated the 25th April 1931.)

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for the additions or alterations are closed.

[Para. 5, Chap. V, Sec. I of Manual of Audit Instructions (1926).]

**No. 7.**

*Pages 59-60, F. R. 45-A—*

*Insert* the following as heading of item (3) of “Audit Instructions” under this rule and *delete* the last sub-paragraph:—

“Convention regarding re-imbursement by the Government of India to Provincial Government and *vice versa* of the difference between the standard rent of buildings and rent actually recovered from their officers occupying them.”

[Manual of Audit Instructions, No. 141.]

Provinces and Assam have mutually agreed that, when an officer of one of these Governments occupies by official arrangement a residence provided by another of these Governments, the latter Government will claim no more than the rent which would be recoverable from the officer if he were serving under its administrative control. In other words, neither Government will be called upon to make good to the other the difference between the standard rent and the rent actually recovered.

(ii) The Governments of Bombay, Bengal and Bihar and Orissa having finally expressed their inability to accept a corresponding convention, the position in the case of these Governments as between themselves as well as between them and the Governments mentioned in clause (i) above will be as follows:

### No. 89.

Page 60, F. R. 45-A—

Substitute the words “ under the rules of the providing Government ” for the words “ under F. R. 45-B ” occurring in the last line of sub-paragraph (ii) of item (3) of the ‘ Audit Instructions ’ under this rule.

[Manual of Audit Instructions (1926) No. 172.]

(No. 89, dated the 25th May 1931.)

~~Chap. V, Sec. I of Manual of Audit Instructions (1926).]~~

(4) In exercise of the powers granted to him by Fundamental Rule 8, the Governor General in Council has ruled that it is permissible to deal, under clause V (b) of Fundamental Rule 45A or 45B, not only with individuals but also with classes of Government servants.

[Para. 6D, Chap. V, Sec. I of Manual of Audit Instructions (1926).]

**\*F. R. 45B-I.** This rule applies to Government servants other than those to whom Rule 45A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to a State Railway, or rented at the cost of railway revenues.

II. For the purposes of sub-clause (b) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water supply or electric installations and fittings) as it may contain; and shall be either—

- (a) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction; or, when this is not known,
- (b) the present value of the residence including the value of site.

**NOTE.**—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

\* This new rule has effect from the 3rd August 1927.

Provided that—

- (i) a Local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined;
- (ii) a Local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site;
- (iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;
- (iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;
- (v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—
  - (1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or
  - (2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;
- (vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows :—

- (a) In the case of leased residences the standard rent shall be the sum paid to the lessor, *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes payable by Government.
- (b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence,



and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council, *plus* an addition for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make.

- (c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

**NOTE 1.**—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

**NOTE 2.**—A Local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

**IV.** When Government supplies a Government servant with a residence leased or owned by Government, the following conditions shall be observed :—

- (a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.
- (b) Unless in any case it be otherwise expressly provided in these rules, he shall pay rent for the residence, and such rent shall be the standard rent, as defined in clause III above or 10 per cent. of his emoluments, whichever is less.
- (c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—
- (i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area, or of a particular class or classes for the purpose of assessment of rent, subject to the following conditions being fulfilled :—
- (1) that the basis of assessment is uniform, and
  - (2) that the amount taken from any Government servant shall not exceed 10 per cent. of his emoluments;

(ii) taking a rent in excess of 10 per cent. of his emoluments from a Government servant—

- (1) who is not under its own administrative control, or
- (2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or
- (3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or
- (4) who is in receipt of a compensatory allowance granted on account of dearness of living.

V. In special circumstances, for reasons which should be recorded, a Local Government—

- (a) may, by general or special order, grant rent-free accommodation to any Government servant or class of Government servants, or
- (b) may, by special order, waive or reduce the amount of rent to be recovered from any Government servant.

VI. If a resident is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay meter hire and the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

[For rules made by the Governor General in Council, under Fundamental Rule 45B, in his capacity as a Local Government, see Supplementary Rules 327 to 335.]

*Secretary of State's Rules.*—See entry under F. R. 45A.

*Government of India's decisions.*—

- (1) See entries under F. R. 45A.
- (2) The Government of India have decided that the rent to be charged to private persons for the occupation of residences owned

by the Central Government, should be assessed in accordance with the new Rule 45B of the Fundamental Rules, and recovered monthly in advance; and that none of the rent concessions, afforded by the Government servants should be extended to such

**No. 49.**

Page 64, F. R. 45-C—

Insert the following as a "Government of India's decision" under this rule:—

"*Government of India's decision.*—In exercise of the powers conferred on him by Fundamental Rule 8, the Governor General in Council has decided that the word 'pension' occurring in Fundamental Rule 45-C (v) should be taken to mean the full sanctioned pension prior to commutation."

[G. I., F. D., No. F. 3 (28)-R. I/30, dated 3rd November 1930.]

(No. 49, dated the 25th April 1931.)

~~Full Commutation~~

**No. 23.**

Pages 64-65, F. R. 46—

Substitute the following for the existing clauses (a) and (b) of this rule:—

"(a) *Fees.*—Subject to rules made by the Governor General in Council under Rule 46A, a local Government may permit a Government servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund or for an Indian State, and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.

**NOTE.**—This clause does not apply to the acceptance of fees by medical officers in civil employ for professional attendance which is regulated by the orders of the Secretary of State in Council.

(b) *Honoraria.*—A local Government may grant or permit a Government servant to receive an honorarium from general revenues as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the local Government and its amount has been settled in advance."

(This amendment takes effect from 9th December 1930.)

[G. I., F. D., Notification No. F-3 (57)-R. I/29, dated 10th January 1931.]

(No. 23, dated the 25th April 1931.)

\* The amended clause has effect from the 14th January 1930.

† This revised rule has effect from the 23rd April 1929.

## No. 65.

Page 65, F. R. 46—

*Insert* the following as “Government of India’s orders” under this rule:—

“*Government of India’s orders.*—Several instances have come to the notice of the Finance Department in which recommendations have been made by various Departments for the grant of honoraria to members of their office staff on account of a temporary increase in their work due to the holding of special Conferences under the auspices of a Department or Subordinate authority or of inter-Departmental Committees. In the opinion of the Finance Department, such temporary increases in work are normal incidents of Government service, and form part of the legitimate duties of Government servants according to the general principle enunciated in F. R. 11. Those so employed have, therefore, no claim to extra remuneration.”

[G. I., F. D., Memo. No. F-5-VIII-R. I./30, dated 3rd September 1930.]

(No. 65, dated the 25th April 1931.)

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No. 24.

Page 65, F. R. 46-A—

*Substitute* the following for the existing rule 46-A:—

“**F. R. 46-A.** The Governor General in Council may make rules prescribing the conditions and limits subject to which a fee may be received by a medical officer in civil employ for services other than professional attendance.”

(This amendment takes effect from 9th December 1930.)

[G. I., F. D., Notification No. F-3 (57)-R. I/29, dated 10th January 1931.]

(No. 24, dated the 25th April 1931.)

## No. 25.

Page 65, F. R. 47—

*Substitute* the following for the existing rule 47:—

“**F. R. 47.** Subject to the provisions of the rules made by the Governor General in Council under rule 46-A, a local Government may make rules prescribing the conditions and limits subject to which authorities subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees, other than the acceptance of fees by medical officers in civil employ for professional attendance.”

(This amendment takes effect from the 4th June 1929.)

[G. I., F. D., Notification No. F-3 (57)-R. I/29, dated 10th January 1931.]

(No. 25, dated the 25th April 1931.)

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- (b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice;
  - (c) any remuneration or reward payable under any special or local law, or in accordance with the provisions of any Act or regulation or rules framed thereunder; and
  - (d) any reward sanctioned for services in connection with the administration of the customs and excise laws.

## Chapter VI.—Combination of Appointments.

**F. R. 49.** A Local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows :—

- (a) the highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;
- \*(b) for each other post he draws such reasonable pay, in no case exceeding half the presumptive pay (excluding overseas pay) of the post, as the Local Government may fix; and
- (c) if a compensatory allowance is attached to one or more of the posts, he draws such compensatory allowance as the Local Government may fix, provided that such allowance shall not exceed the total of the compensatory allowances attached to all the posts.

*Audit Instruction.*—Fundamental Rule 49 (b) requires that such pay as may be considered “reasonable” in the circumstances may be given; half the presumptive pay of the post is not therefore to be regarded as the amount normally permissible.

[Para. 1, Chap. VI, Sec. I of Manual of Audit Instructions (1928).]

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\* This amended clause has effect from the 18th March 1928.



## Chapter VII.—Deputation out of India.

**F. R. 50.** Unless the Secretary of State in Council by general or special order otherwise direct, no deputation of a Government servant out of India shall be sanctioned without previous reference to the Secretary of State in Council.

**\*F. R. 51.** When a Government servant is with proper sanction so deputed, his pay and allowances shall, unless the Secretary of State

### No. 90.

Page 69, F. R. 51—

*Substitute* the following for the first sentence of clause (a) of this Rule:—

“(a) If the deputation is declared by the Governor General in Council to be under *quasi-European* conditions, the Government servant deputed shall be granted :—

(1) If he is sent from India, is expected by the deputing authority to be absent from India for not more than thirteen weeks from date of embarkation to date of disembarkation, and does not include any leave within the period of his absence—not more than the pay which he would draw if he were on duty in India, or Rs. 5,500 a month, whichever is less :

Provided that if, subsequent to his departure, the period of his deputation is so extended that his absence from India as defined above exceeds thirteen weeks, the provisions of this sub-clause shall apply in respect of the first thirteen weeks only of his absence from India, as so defined.

(2) Otherwise—not more than three-fourths of the pay which he would draw if he were on duty in India.”

(This amendment takes effect from 26th October 1929.)

[G. I., F. D., Notification No. F. 4 (38)-R. I./29, dated 21st April 1931.]

(No. 90, dated the 25th May 1931.)

~~on duty in Europe or America or Japan~~

*Secretary of State's orders—*

(1) The Secretary of State in Council has directed that the following rule contained in Article 85, Civil Service Regulations, shall remain in force:—

The Government of India may sanction the deputation of an officer of Government, whether paid from general revenues or a local fund or in Foreign service, on duty outside India otherwise than in Europe or America for not more than 12 months at the cost of Indian revenues.

[G. I. F. D. Res. No. 633-C. S. R., dated 22nd June 1922.]

\* This amended rule has effect from the 18th December 1928.



(2) The Secretary of State in Council has directed that the following rules shall regulate the deputation out of India of subordinate police officers:-

The Government of India, or, in cases in which the cost is met from Provincial Revenues, a local Government may depute a subordinate police officer to any country outside India, to accompany or take charge of criminals or lunatics, or on any other business, which is part of his duty as a police officer, and may grant to the officer so deputed—

- (a) full pay, for the entire period of absence from India; with
- (b) actual travelling expenses, and a subsistence allowance not exceeding the following scale, while in any country outside India:

	s.	d.
For an Officer of the Inspector class . . .	22	6 a day.
For an Officer of the Sergeant class . . .	15	0 a day.
For an Officer of the Constable class . . .	15	0 a day.

The local Government may delegate their powers under this rule to officers of a rank not lower than Deputy Inspectors General of Police, or Commissioner of Police in Calcutta.

[G. I. F. D. Res. No. 1224-C. S. R., dated 10th Nov. 1922.]

(3) The orders of the Secretary of State in Council regarding the eligibility of officers placed on deputation outside India for a return passage to India on the expiry of their deputation are contained in the extract of his Despatch No. F.-911—23, dated the 8th March 1923, reproduced below:—

\* \* \* \* \*

“ I am therefore to ask that if the Government of India see no objection, it may be made clear to local Governments and to officers proceeding on deputation from time to time that the grant of a return passage to India on conclusion of a deputation is conditional on an officer's return to duty forthwith on the conclusion of the deputation, unless an arrangement to the contrary effect should be specially permitted at the time the deputation closes, or is about to close, and the proposed leave is begun.”

[G. I. F. D. No. 598-C. S. R., dated 25th April 1923.]

(4) The Secretary of State in Council has directed that officers on leave, who are unwilling to undertake special duty on deputation rates of pay, may be allowed to continue to consume leave and receive an honorarium fixed at one-sixth of Indian pay.

[G. I. F. D. No. 994-C. S. R., dated 9th May 1924.]

(5) (a) The Secretary of State in Council has decided that officers on deputation out of India, whether sent on deputation from India or placed on deputation while on leave in this country, may, if average pay leave would otherwise be admissible, convert deputation into leave on average pay *plus* an honorarium of  $\frac{1}{6}$ th of Indian pay, on the condition that in both cases the cost of passages both from and to India is borne by the officer. The Secretary of State agrees that the High Commissioner may be authorised to act on this decision.

Periods of deputation converted into leave should count for pension as leave and not as deputation.

[India Office No. F.-4012-25, dated 14th Sep. 1925, received with G. I. F. D. No. F.-120-C. S. R.-25, dated 4th Nov. 1925 and 19th Nov. 1925.]

(b) The terms of F. R. 50 must be interpreted as applying to cases where officers exercise the option of consuming leave and drawing an honorarium of one-sixth pay during a period of duty out of India, *i.e.*, this option can only be exercised by a Government servant whose deputation out of India has been approved by the proper authority.

[G. I. F. D. No. F./101-C. S. R./26, dated 30th July 1926.]

(c) Officers serving under the Civil Service Regulations are eligible for the privilege of consuming leave during deputation, should they so desire, and of receiving an honorarium of one-sixth of their pay. In their case leave on full pay would take the place of leave on average pay.

[G. I. F. D. Endorsement No. F.-139-C. S. R./27, dated 28th April 1927.]

(d) The option of consuming leave on average pay during a period of deputation and of drawing an honorarium of one-sixth Indian pay shall be limited to cases in which officers are placed on deputation while already on leave out of India on average pay.

[G. I. F. D. No. F.-4-R. I./29, dated 22nd Jan. 1929.]

(6) The Secretary of State in Council has decided that where a rule made by the Secretary of State in Council refers to a rate of exchange which the Secretary of State in Council may by order prescribe, that rate shall, until further orders, be 1s. 6d.

[G. I. F. D. Resolution No. F.-35-R. I./28, dated 25th February 1928.]

(7) The Secretary of State has decided that in the cases of officers, belonging to services the control of which was not delegated to Local Governments by the Delegation Rules of 1926, who, while on leave in the United Kingdom, attend conferences or Congresses there or on the Continent, whether as official representatives of the Government of India or of a Local Government or as unofficial visitors, the following uniform system should be adopted—

(i) Officers who are nominated as official representatives of the Government of India or of a Local Government will

be placed on deputation for the period involved and will receive the usual travelling expenses and subsistence allowance.

- (ii) Officers who are not so nominated will not be placed on deputation; but if it is thought desirable that they should attend as visitors, they may be offered travelling expenses and subsistence allowance as an inducement for them to do so. Further, though the officer may not be an official representative, the India Office will be prepared to render him such service as recommending him, as a visitor, to the Congress Authorities.

[India Office, S. of S.'s Despatch No. 5, Overseas, dated 20th December 1928, received with G. I., F. D., Endorsement No. F. 4-II-R-I./29, dated 9th February 1929.]

*Government of India's decisions—*

(1) The term "pay", in the expression, "the pay which he would draw if he were on duty in India" occurring in clause (a) of this rule, should be interpreted literally with reference to the definition in F. R. 9 (21) and the pay which an officer would have drawn if he were on duty in India should be determined for the purpose of this rule, with reference to what the competent authorities in India state the officer's pay would have been if he were on duty in India. It will, therefore, be necessary for Accounts Officers to intimate to the High Commissioner in each case after consultation with Government, the pay which an officer would have drawn if on duty in India.

[G. I. F. D. No. F. 47-R. I./23, dated 29th May 1928.]

- (2) See Item (4) of Government of India's orders under F. R. 81.

*Audit Instruction.*—The period of the deputation runs from the date on which the Government servant makes over charge of his office in India to the date on which he resumes it: or if the Government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time actually occupied by the duty.

[Para. 2, Chap. VII, Sec. I of Manual of Audit Instructions (1926).]

*Audit Ruling.*—**Terms of reference:**—While Mr. F—, an Assistant Superintendent of the Geological Survey of India, was on deputation in England, a vacancy occurred in the grade of Superintendents in that Department in India. The Government of India proposed to appoint Mr. F— to officiate in this vacancy and to enhance his deputation pay under Fundamental Rule 51 (a), by two-thirds of the officiating pay, which he would have drawn had he remained on duty in India and assumed charge of the higher appointment of Superintendent. The Auditor General was asked whether this was admissible in view of the fact that the officiating promotion could not involve the assumption of duties

or responsibilities of a different character within the meaning of Fundamental Rule 30.

**Auditor General's decision.**—Fundamental Rule 51 (a) permits the authorities in India to state the pay which the deputed officer would have drawn had he been on duty in India. Thus Mr. F—'s deputation pay may be regulated by a statement that had he been in India, he would from a certain date have officiated in an appointment of Superintendent which would have involved duties and responsibilities greater than those attached to his appointment as an Assistant.

[Ar. G.'s Endt. No. 461-A.—50-23, dated 23th March 1923.]



### Chapter VIII.—Dismissal and Suspension.

**F. R. 52.** The pay and allowances of a Government servant who is dismissed from service cease from the date of such dismissal.

**F. R. 53.** A Government servant under suspension is entitled to the following payments :—

- (a) If a military officer in civil employ, to the pay and allowances of his military rank.
- (b) In any other case, to subsistence grant.

[*See Audit Instruction under Fundamental Rule 43 (b).*]

**F. R. 54.** When the suspension of a Government servant as a penalty for misconduct is, upon re-consideration or appeal, held to have been unjustifiable or not wholly justifiable; or

when a Government servant dismissed or suspended pending enquiry into alleged misconduct is, upon re-consideration or appeal, reinstated;—

the revising or appellate authority may grant to him for the period of his absence from duty—

- (a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed or suspended and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or suspension; or
- (b) if otherwise, such proportion of such pay and allowances as the revising or appellate authority may prescribe.

In a case falling under clause (a), the period of suspension or dismissal will be treated as a period spent on duty. In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so direct.

[*For Administrative Instructions issued by the Governor General in Council regarding "subsistence grants" and "committals to Prison," see Parts III and IV of Appendix 3.*]

*Government of India's decisions—*

(1) Sub-clause (b) of F. R. 54 does not forbid the period spent under suspension being regarded as leave, and it is open to the revising or appellate authority to prescribe as the proportion of pay and allowances to be paid the leave salary which would be permissible if the Government servant were on leave. Under F. R. 8, therefore, the Governor General in Council interprets F. R. 54 as permitting an appellate authority to convert a period spent under suspension into one of leave.

[G. I. F. D. letter No. F./47-C. S. R./27, dated 14th Feb. 1927, to the Chief Secretary to the Government of Madras, Judicial Department.]

(2) A Government servant was dismissed from service on 8th March 1927 and, on appeal, was re-instated with effect from 27th October 1927. The appellate authority declared, under F. R. 54, that the period of unemployment between the dates of dismissal and re-instatement should be treated as spent on duty and allowed to count for leave and increments. As there was no post against which the lien of the Government servant could be shown for the period of dismissal, the question arose whether in the absence of lien on a permanent post the period of unemployment could count for leave or increments. It was decided that F. R. 54 is absolute and unconditional and that it could not be absolute if the condition of "lien" had first to be satisfied.

[G. I. F. D. No. F./28-R. I./28, dated 5th April 1928.]

*Government of India's Administrative Instructions.*—Posts vacated by dismissed Government servants may be filled substantively subject to the condition that the arrangements thus made will be reversed if the dismissed Government servant is re-instated on appeal.

[G. I. F. D. letter No. F.-28-R. I./28, dated 22nd May 1928.]

*Accountant General's decision.*—In cases coming under clause (b) of Fundamental Rule 54, full pay should not be admitted.

[A. G. P. T.'s No. Mis.-996-Sec.—290, dated 1st Aug. 1924, to D. A. G., Postal Branch, Calcutta.]

This decision will not apply when an order of suspension is cancelled and the period of suspension is converted into leave as contemplated in item (1) of the "Government of India's decisions" above.

[A. G. P. & T.'s No. Mis.-3127-Sec.—290, dated 13th March 1928.]

**F. R. 55.** Leave may not be granted to a Government servant under suspension.

*Accountant General's decision.*—There is no objection to allowing officiating arrangements in place of officials under suspension.

[A. G. P. T. No. Mis.-1756-R.-3-24, dated 17th Nov. 1924.]

### Chapter IX.—Compulsory Retirement.

**F. R. 56. (a)** Except as otherwise provided in this rule, a Government servant, other than a ministerial servant, is required to retire on attaining the age of 55 years. He may be retained in service after that age with the sanction of the Local Government on public grounds, which must be recorded in writing; but he must not be retained after the age of 60 years except in very special circumstances.

**(b)** A ministerial servant may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing, and with the sanction of the Local Government.

**(c)** The following are the special rules applicable to particular services :—

**(i)** A member of the Indian Civil Service, who is not a Judge of a Chief Court, must retire after 35 years' service counted from the date of his arrival in India; provided that, if he has held his post for less than five years, he may, with the sanction of the Governor General in Council be permitted to retain it until he has held it for that period.

**(ii)** A member of the Indian Civil Service, who is a Judge of a Chief Court, must retire on attaining the age of 60 years.

**\* (iii)** In the case of incumbents of the posts mentioned below, other than members of the Indian Civil Service, the age limit is 60 years :—

Posts specified in Rule 98.

Legal Remembrancer and Secretary to the Legislative Council of the Punjab.

**† (iv)** (1) Except as otherwise provided in this sub-clause, the following classes of officers must retire on reaching the age of 55 years, namely :—

**(a)** Civil Engineering of the Public Works or Railway Department, and

**(b)** Civilians in the Superior Railway Revenue Establishment, or the Superior Establishment of the Telegraph Department;

and the former class may be required by the Governor General in Council to retire on reaching the age of 50 years, if they have not attained to the rank of Superintending Engineer.

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\* This amended sub-clause has effect from the 19th October 1923.

† This amended sub-clause has effect from the 3rd June 1930, it replaces old sub-clauses (iv) and (v).



**NOTE.**—These provisions do not apply to members of the first and second divisions of the Superior Telegraph Traffic Branch (other than officers of the old Superior Telegraph Establishment), nor to those of the second division of the Superior Telegraph Engineering and Technical Branches, whose retirement is governed by clause (a) of this Rule.

- (2) Subject to the requirements of this sub-clause as to re-appointment, the Local Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.
- (3) No Chief Engineer of the Public Works or Railway Department, and no officer in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, nor any officer holding the Post of Consulting Engineer to the Government of India, shall, without re-appointment, hold the post for more than five years, but reappointments to the posts may be as often, and in each case for such period not exceeding five years, as the Local Government may decide, provided that the term of reappointment shall not extend beyond the date on which the Government servant attains the age of 55, or, in the case of a Chief Engineer, more than three months beyond that date.

**NOTE.**—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause.

- (vi) The Bishops of Lahore, Rangoon, Lucknow and Nagpur, though borne on the cadre of the Indian Ecclesiastical Establishments, are not subject to any rule requiring their retirements at a particular age.
- (vii) The following provisions are applicable to military officers in civil employ :—
  - (1) Officers of the Indian Medical Service must retire from civil employ at the age of 55 years, provided that—
    1. a Director General of the Indian Medical Service may remain in service up to the age of 60 years;
    2. Surgeons-General and Inspectors-General of Civil Hospitals may remain in civil employ up to the age of 57 years; and
    3. a Lieutenant-Colonel who entered the service before the 1st April 1911, and was specially selected for increased pay on or before the 16th February 1921, may remain in civil employ till he completes 30 years' service; but if he is specially selected for increased pay after the 16th February 1921, he shall be retired on attaining the age of 55 years unless he has not completed 27 years' service for pension, in which case he may be retained until he completes such period of service.

- (2) Military officers in the Survey of India Department cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Secretary of State in Council.
- (3) Military commissioned officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of civil engineers of those departments. In addition, an officer of the Royal Engineers must retire on attaining the rank of General Officer; provided that, if he is holding a post of Chief Engineer, he may, with the sanction of the Governor General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation.
- (4) Military officers serving in any department, other than those mentioned in (1) to (3) of this sub-clause, cease to be in civil employ on reaching the age of 55 years; but any such officer, being a military commissioned officer and having held his post for less than five years, may for special reasons, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period.

NOTE 1.—This rule does not apply to a Government servant who is appointed to any post by His Majesty the King Emperor of India, or by the Governor General in Council with His Majesty's approval.

NOTE 2.—For the purpose of sub-clauses (i), (vii) (3) and (vii) (4) of clause (c) of this rule officiating tenure of a post shall be included in calculating the period of five years.

NOTE 3.—The grant, under Rule 86, of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service, shall be treated as sanctioning an extension of service up to the date on which the leave expires.

*Secretary of State's Rulings—*

(1) The age of superannuation referred to in sub-clause (c) (iii) should be 60 years in case of all incumbents of the posts included in F. R. 98, which has replaced Art. 547-C. S. R., irrespective of whether the officer concerned is recruited directly or promoted from a subordinate post.

[G. I. F. D. No. 2053-C. S. R., dated 16th May 1923.]

(2) A Royal Engineer Officer must retire from the Army under the rules contained in the Royal Warrant, and must vacate his civil appointment under the rules contained in Fundamental Rules, *i.e.*, F. R. 56 (vii) (2), (3) and (4), which relate to Royal Engineer Officers as well as to Indian Army Officers. In common with civil officers Royal Engineer Officers in civil employment would be eligible under the conditions of F. R. 86 to the grant of leave up to 6 months, after the date of compulsory retirement

or the civil appointment, such leave being, under Note 3 to F. R. 56, regarded as an extension of service.

[India Office, letter No. M.-6375, dated the 14th Oct. 1925, received with G. I. F. D. Endorsement No. F.-74-R. I./29, dated 12th June 1929.]

*Government of India's order.*—Under Fundamental Rule 2, the Governor General in Council has declared, in so far as Government servants under his administrative control or in a Chief Commissioner's Province are concerned, that Fundamental Rule 56 (a) shall not apply to a Government servant in inferior service.

[G. I. F. D. No. 723-C. S. R., dated 16th May 1923.]

#### *Audit Instructions—*

(1) When a Government servant is required to retire, revert, or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the Government servant must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all Government servants, Civil, Military or Naval.

[Para. 1, Chap. IX, Sec. I of Manual of Audit Instructions (1926).]

(2) The period of five years referred to in sub-clause (c) (i) of this rule begins to run from the date on which the Government servant first takes up the office, whether substantively or temporarily, provided that, if temporary, he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post, i.e., the period of temporary promotion is included in the period of five years.

[Para. 3, Chap. IX, Sec. I of Manual of Audit Instructions (1926).]

(3) The law officers referred to in sub-clause (c) (iii) of this rule and to whom the old rules in Chapter XXIV, Civil Service Regulations, applied on the 25th June 1901 are exempt from compulsory retirement at 55 years of age.

[Para. 4, Chap. IX, Sec. I of Manual of Audit Instructions (1926).]

(4) The period of five years referred to in sub-clause (c) (vii) (3) of this rule begins to run from the date on which the officer first becomes entitled to draw the full pay of the post whether holding the post substantively or only in an officiating capacity: provided that, if officiating, he is confirmed in the post without a break of service.

[Para. 5, Chap. IX, Sec. I of Manual of Audit Instructions (1926).]

(5) The period of five years referred to in sub-clause (c) (vii) (4) of this rule begins from the date on which the officer first takes up the office, whether substantively or temporarily; provided that, if temporary, he is confirmed without reverting to his substantive post, but the currency of the period is not interrupted by any

subsequent temporary promotion to a higher post, *i.e.*, the period of temporary promotion is included in the period of 5 years.

[Para. 6. Chap. IX, Sec. I of Manual of Audit Instructions (1926).]

(6) F. R. 56 (b) applies to all Government servants to whom the Fundamental Rules as a whole apply, whether they be holding temporary or permanent posts, substantively or in an officiating capacity.

[Para. 2A, Chap. IX, Sec. I of Manual of Audit Instructions (1926).]

*Director General's Instructions.*—For the purposes of clauses (a) and (b) of the Fundamental Rules, gazetted officers, *viz.*, (1) Chief Officers of the Post Office (as shown in the Quarterly List of Officers of the Posts and Telegraphs Department), (2) Superintendents of Post Offices and R. M. S. and (3) Postmasters (including Deputy and Assistant Postmasters) in the grade of Rs. 350—20—650 and above should be classed as “officers other than ministerial” under F. R. 56 (a) and all the remaining officials who hold non-gazetted posts should be classed as “ministerial servants” under F. R. 56 (b).

[D. G. P. T.'s Cir. (Post Office) No. 48, dated 5th Dec. 1918 and letter No. A. G.-33, dated 15th April 1925.]

**F. R. 57.** *Deleted.* [With effect from the 26th April 1927.]



## PART IV.

## Chapter X.—Leave.

## Section I.—EXTENT OF APPLICATION.

**F. R. 58.** Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the fundamental rules as a whole apply; provided that it shall be open to any person who is in Government service at the time when the fundamental rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject. The intention of exercising this option must be specifically declared to the Local Government or the Governor General in Council, as the case may be, within six months of the date on which the fundamental rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter. The option once exercised is final.

**NOTE.**—A similar option may be exercised by the Government servants mentioned in rules 99 and 100.

*Secretary of State's Order.*—As an inducement to Government servants to accept the leave rules in these rules, the Government of India have obtained the consent of the Secretary of State to the following concession. On the first occasion after the 1st January 1922, on which any Government servant who accepts the new rules takes leave, he will be permitted, at his option, to draw, during that portion of his leave which corresponds to privilege leave, the pay of the post on which he holds a lien instead of his average pay without limit. (The term 'lien' should for this purpose be interpreted in the more liberal sense in which it is used in the Civil Service Regulations and not in the limited sense in which it is used in the Fundamental Rules.)

[Para. 4 of G. I. F. D. letter No. 1079-C. S. R., dated 26th Oct. 1921 and G. I. F. D. letter No. 765-C. S. R., dated 15th July 1922.]

*Government of India's Order.*—Any Government servant who is on leave on the 1st January 1922 may, if he does not desire to exercise the option of remaining under the old leave rules, cancel the unexpired portion of his leave and substitute for it any period of leave to which he will be entitled under the new rules. This concession will be subject to the condition that it should not operate to secure to the Government servant concerned a larger total period of leave on average pay or its equivalent than he would have been able to enjoy had he been subject to the Fundamental Rules from the commencement of his leave.

[Para. 5 of G. I. F. D. letter No. 1079-C. S. R., dated 26th Oct. 1921.]

*Audit Instructions—*

(1) (a) A Government servant on leave on the 1st January 1922, who does not take advantage of the option of cancelling the unexpired portion of his leave and coming under the Fundamental Rules with effect from the 1st January 1922, is to be regarded as coming under the new rules with effect from the date of his return from leave unless he elects to remain under the old rules within six months of his return from leave.

(b) Privilege leave should be treated as the "equivalent" of "leave on average pay" with reference to paragraph 4 of Government of India, Finance Department, letter No. 1079-C. S. R., dated 26th October 1921, i.e., a Government servant who has enjoyed privilege leave combined with furlough on average pay for a period of 8 months (or up to 10 months in the case of those to whom the war concession of the accumulation of privilege leave up to 6 months is applicable) prior to the 31st December 1921, is not eligible for any period of leave on average pay until he has resumed duty.

(c) The words "Government servants to whom the Fundamental Rules as a whole apply" used in this rule are intended to mean "Government Servants referred to in Fundamental Rule 2".

[Para. 1, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(2) The expression "the first occasion hereafter on which any Government servant takes leave" appearing in paragraph 4 of Government of India, Finance Department, letter No. 1079-C. S. R., dated the 26th October 1921, should be interpreted to refer, in the case of a Government servant who was on leave on the 1st January 1922 and who postpones coming under the Fundamental Rules till after his return from leave, to the first occasion on which he takes leave under the Fundamental Rules. In the case of a Government servant who has exercised the option of cancelling the unexpired portion of his leave and coming under the Fundamental Rules with effect from the 1st January 1922, he may do so without reference to the concession of drawing during "leave corresponding to privilege leave" the pay of the post on which he has a lien, but will be entitled to enjoy that concession on the next occasion on which he takes leave thereafter, subject, however, to the proviso that, if he definitely asks that the substituted leave from the 1st January 1922 should be reckoned as the first occasion on which he takes leave under the Fundamental Rules, his request should be complied with.

[Para. 2, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(3) The expression "that portion of leave which corresponds to privilege leave" occurring in paragraph 4 of Government of India, Finance Department, letter No. 1079-C. S. R., dated 26th October 1921, should be interpreted to mean in the case of leave

taken after the 1st January 1922 the first four months of any period of leave on average pay or any longer period of leave during which Note 1 under Fundamental Rule 89 makes maximum limits of average pay inapplicable. Such leave is in all other connections being treated as though it were privilege leave and may be treated similarly in this connection also. The limit of four months of leave on average pay should be held to be inclusive of the period of vacations, if any, prefixed to leave.

[Para. 3, Chap. X, Sec. I of Manual of Audit Instructions (1926), and Ar. G.'s No. 223-A.—217-23, dated 7th June 1923.]

*Accountant General's decision.*—Non-pensionable menials, like Sweepers, Bhisties, etc., paid from contingency charges are not eligible for leave under the Fundamental Rules. [*Vide* item (3) of Government of India's Orders under F. R. 2.]

[A. G.'s No. Mis.-3470—F.-90 (a), dated 1st Dec. 1922.]

**F. R. 59.** Leave is earned under Sections I to V of this chapter by a Government servant holding substantively a permanent post in civil employ, or holding a lien on such a post.

*Audit Instruction.*—A Government servant who has been detached for other duty and whose lien on his substantive post has been suspended under Fundamental Rules 13 and 14 continues to earn leave under Sections I to V of Chapter X of the Fundamental Rules.

[Para. 4, Chap. X, Sec. I of Manual of Audit Instructions, (1926).]

**F. R. 60.** Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave-salary is paid on account of such period.

**F. R. 61.** A military commissioned officer appointed to a post in civil employ becomes subject to these rules under the following conditions :—

(a) (i) An officer subject, before such appointment, to the Indian Army Leave Rules, becomes subject to these rules from the date of first substantive appointment to a post in civil employ or from the date of completion of three years' continuous officiating duty in such service, whichever is earlier. In reckoning continuous duty—

- (1) any period of foreign service, to which transfer was made direct from a civil post, may be included, and
- (2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.

**NOTE.**—This rule also applies to commissioned officers transferred from the Army Veterinary Department to the Civil Veterinary Department.

(ii) A continuous service officer of the Royal Engineers becomes subject to these rules from the date of his entry into permanent civil employ or from the date of his election for continuous Indian service, whichever is later.



(iii) A non-continuous service officer of the Royal Engineers, if he elects for these rules, becomes subject to them from the date of his entry into permanent civil employ or from the date of completion of five years' Indian service, whichever is later.

(b) Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period does not

### No. 66.

Page 86, F. R. 61—

Insert the following as "Government of India's decision" under this rule:—

*"Government of India's decision.*—The Governor General in Council has decided that the period of joining time should be included in the period of three years mentioned in rule 61 (a) (i) of the Fundamental Rules and therefore a Military Officer transferred from the Army Department to the Civil Department become entitled to leave under F. R. 100 from the date he makes over charge of his duties in the Army Department."

[Letter No. 325-A.—212—30, dated 19th December 1930, from the Controller of Civil Accounts, to the Accountant General, Central Revenues.]

(No. 66, dated the 25th April 1931.)

~~any~~ ~~period~~ ~~of~~ ~~his~~ ~~absence~~ ~~counts~~ ~~as~~ ~~duty~~ ~~for~~ ~~leave~~ ~~under~~ ~~these~~ ~~rules~~.

**F. R. 64.** Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one of the officers specified in Rule 98 below, may count such duty for leave as though it were duty performed in a vacation department; all leave taken during the service concerned being treated as taken under these rules.

**F. R. 65.** \*(a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(b) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave, unless the appellate or reviewing authority declares that he shall not so count it in whole or in part.

\* This revised clause (a) has effect from the 5th September 1928.

*Government of India's decision.*—The re-employment of a person who has retired on a superannuation or retiring pension is generally an exceptional and temporary expedient and it has been decided that in such cases, the service of the re-employed pensioner should be regarded as temporary and that his leave should be regulated by Fundamental Rule 103.

[G. I. F. D. letter No. F./404-R. I./27, dated 21st Aug. 1928.]

## Section II.—GENERAL CONDITIONS.

**F. R. 66.** A Local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 83, may be granted.

[For rules made by the Governor General in Council under Fundamental Rule 66, in his capacity as a Local Government, see Supplementary Rules 206-208.]

**F. R. 67.** Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

*Government of India's decision.*—An official was granted leave on average pay for 8 months on the expiry of which he produced a medical certificate of fitness from a qualified medical practitioner and resumed duty for one day only and again went on leave on full average pay for another 8 months on the production of another medical certificate from a Civil Surgeon. The case was reported to the Government of India and in their No. 93-P. T., dated 5th March 1925, they have decided that the spirit of the ruling in Note 1 to Article 826, Civil Service Regulations, should apply to all cases of deliberate evasion of rules by which a Government servant seeks to get from rules an advantage not ordinarily contemplated by them.

[A. G. P. & T.'s No. 685—H. A. G.-70, dated 14th March 1925.]

**F. R. 68.** Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation. A Local Government may, however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time.

[For rules made by the Governor General in Council under Fundamental Rule 68, in his capacity as a Local Government, see supplementary Rules 209-211.]

*Audit Instruction.*—Sectional holidays in the Government of India Secretariat should be treated as "recognized holidays" for the purpose of this rule.

[Para. 4A, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 69.** A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

- (a) the Secretary of State; if the Government servant is residing in Europe, North Africa, America or the West Indies; and
- (b) the Governor General in Council, or any lower authority empowered to appoint him, if he is residing elsewhere.

**NOTE.**—This rule does not apply to casual literary work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service, which is governed by Rule 110.

*Secretary of State's decision.*—The Secretary of State now holds that the employment of officers who are on leave preparatory to retirement in trading concerns in India is *prima facie* open to grave objection and should be permitted only in very exceptional cases. All applications to take up private employment with trading concerns in India while on leave preparatory to retirement, which may be received from officers in India, who are on leave preparatory to retirement or who are contemplating premature retirement in India should, therefore, be very carefully examined and forwarded to the Government of India with full explanation of the views of the local Government.

[G. I. H. D. No. F.-244—5-Public, dated 12th Feb. 1923.]

*Government of India's order.*—The principle underlying the orders contained in the above letter applies to all services, but the sanction of the Government of India is required only in the case of members of the all-India services. No reference to the Government of India is necessary in the case of persons appointed by the local Government or any lower authority.

[G. I. H. D. No. F.-261—23-Public, dated 4th June 1923.]

*Government of India's decision.*—A question arose whether the rule in the last sub-paragraph of Article 44 of the Audit Code is applicable to the case of an officer appointed for a short term on a contract who, on leaving service under a local Government on the expiry of his agreement is granted all the leave certified to be admissible to him and takes up employment under another local Government during such leave. It has been decided that if the terms of a temporary officer's contract permit him to take leave and enjoy leave-salary after the termination of his work with a local Government, he will, while on such leave, be on a footing different from that of a man in ordinary permanent service. What the local Government is bound to give him, is in effect, pay at certain fixed rates for a specified period after he has ceased to serve it. During this period the local Government has no control over his movements and cannot order him to take complete rest, except by making use of F. R. 69. If the original employing Government gives permission under F. R. 69, the officer may take up employment under another Government during his leave. As each local Government has now full powers to make leave rules for the class of Government

## No. 68.

Page 89, F. R. 69—

Insert the following as item (2) of “Government of India’s decisions” under this rule, the existing entry being numbered (1):—

“(2) The Government of India have decided that, though the grant of permission to take up private employment during the leave on medical certificate is technically covered by the provisions of F. R. 69 (b), it is not the intention that the leave which can be obtained on the strength of a medical certificate should be allowed to a Government servant the state of whose health enables him to earn a competence by private employment. It has, therefore, been ruled that F. R. 69 should not be construed as permitting a Government servant who avails himself of leave on medical certificate, to undertake regular employment during such leave.”

[G. I., F. D., No. F.-147—R. I./30, dated 30th October 1930, to the Auditor General.]

(No. 68, dated the 25th April 1931.)

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~~servant is entitled to no concession. If it is compulsory, he is entitled:—~~

(a) If the leave from which he is recalled is out of India,—

- (i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;
- (ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and
- \*(iii) to receive leave-salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period travelling allowance under rules made in this behalf under Rule 44.

†(b) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf under Rule 44 for the journey, but to draw until he joins his post leave-salary only.

*Government of India’s order.*—Orders recalling a Government servant from leave out of India should be communicated to him

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\* This amended sub-clause has effect from the 31st December 1929.

† This amended clause has effect from the 31st December 1929.

through the High Commissioner for India and they should state whether the return to duty is optional or compulsory.

[G. I. F. D. No. 331-C. S. R., dated 29th Feb. 1924 and Part V (3) of Appendix 3.]

**F. R. 71.** No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor General in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of a Government servant on leave elsewhere, may by order prescribe. A Local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

*[For rules made by the Governor General in Council under Fundamental Rule 71, in his capacity as a Local Government, see Supplementary Rules 212 and 213.]*

*Secretary of State's order.*—The Secretary of State in Council has ordered that a Government servant who has taken leave on medical certificate out of Asia, elsewhere than in Europe, North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form:—

“ We certify we have carefully examined C. D., of the Department and find that he is in good health and fit to return to his duty in India.

Date.....

Place.....”

If the certificate be signed by foreigners, it should be attested by consular or other authority as bearing the signature of qualified medical practitioners.

[G. I. F. D. No. 197-C. S. R., dated 6th March 1922.]

*Audit Instruction.*—The term “ Government servant ” in line 1 of this rule applies to a permanent Government servant only.

[Para. 5, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

*Auditor General's decision.*—No certificate of fitness need be insisted upon in the case of temporary Government servants.

[Ar. G.'s No. 1138-A./418-2, dated 14th Nov. 1923.]

**F. R. 72.** Unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

**F. R. 73.** A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended

by the Local Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of rule 45

### No. 112.

Page 91, F. R. 73—

Insert the following as “ Auditor General’s decision ” below this rule:—

“ *Auditor General’s decision.*—It has been decided by the Auditor General with the concurrence of the Government of India that the overstay of leave taken by a Government servant before the introduction of the Fundamental Rules on 1st January 1922 should not be debited in his leave account.”

[C. C. A.’s letter No. 149-A/86-31, dated 8th June 1931.]

(No. 112, dated the 25th July 1931.)

- (ii) in granting leave,
- (iii) in the payment of leave-salary, and
- (iv) in the maintenance of records of service.

(b) The procedure to be followed elsewhere than in India will be prescribed by the Governor General in Council.

[For rules made by the Governor General in Council, under Fundamental Rule 74 (b), see Supplementary Rules 242 to 262.

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (i) and (ii), in his capacity as a Local Government, see Supplementary Rules 214 to 241.

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (iv), in his capacity as a Local Government, see Supplementary Rules 196 to 205.]

*Auditor General’s Instructions.*—The instructions issued by the Auditor General under Fundamental Rule 74 (a), are given in Appendix No. 8.

### Section III.—SPECIAL AND ORDINARY LEAVE RULES.

**F. R. 75. (1)** All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules, namely :—

- (a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile ;

- (b) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had been admitted to the benefits of the European services leave rules under the Civil Service Regulations, or who between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations; and
- (c) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European services leave rules under the Civil Service Regulations :

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay :

Provided further that the concession allowed by clause (c) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

*Audit Instructions—*

(1) A Government servant who becomes eligible for the Special Leave Rules while he is on leave under the Ordinary Leave Rules may, from the date he becomes so eligible, change the balance of his leave to leave under the Special Leave Rules.

[Para. 6, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(2) The expression “ at the time of his appointment ” occurring in Fundamental Rule 75 (2) (a) means the date of an officer's appointment to a service or post to which the provisions of the Fundamental Rules apply.

[Para. 6A, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 75A.** For the purpose of Rule 2 of Rule 75 the domicile of a person shall be determined in accordance with the provisions set out in the Schedule\* to these rules :

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia unless in the case of a person to whom the proviso in sub-rule 2 (a) of Rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

*Secretary of State's decision.*—See entry below F. R. 9 (20).

**F. R. 75B.** No Government servant who, after his appointment to a service or post acquires a new domicile, shall thereby lose his right to,

\* See page 153 of this volume.

or become entitled to admission to, the benefits of the special leave rules.

**F. R. 75C.** If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him, or of the Local Government in the case of persons appointed by them, shall be final.

*Secretary of State's decision.*—The Government of India recently recommended to the Secretary of State that a certain officer should, for specific reasons, be exempted from the operation of Fundamental Rule 75 (2) (a), and be admitted to the benefits of the special leave rules. In rejecting the proposal, the Secretary of State pointed out that in the absence of a specific provision enabling him to vary or depart from the terms of the Fundamental Rules, it is not, in view of their statutory character, within his competence to relax their provisions in favour of individuals.

[Ar. G.'s No. 179-A./57-25, dated 7th March 1925.]

*Auditor General's decisions—*

(1) The special leave rules in Fundamental Rules 75 to 75C are based on a recognition of the principle that officers serving out of their own country can legitimately be given more generous leave terms than officers serving in their own country. Thus, any Government servant, whether gazetted or not, even though he might have been subject to the Indian Service leave rules under the Civil Service Regulations, is entitled under Fundamental Rule 75 (2) (a) to the benefits of the special leave rules with effect from the 24th July 1923, provided the criterion for the eligibility is fulfilled, *i.e.*, if at the time of his appointment he had his domicile elsewhere than in Asia. This decision also applies to such Government servants as elected to remain under the leave rules in the Civil Service Regulations.

[Ar. G.'s No. 1153-A.—187-23, dated 16th November 1923.]

(2) In the case of officers admitted to the special leave rules, who are not in receipt of sterling overseas pay, the audit officers should obtain and scrutinise the evidence of domicile in each case.

[Ar. G.'s No. 75-Admn./396-25, dated 25th Jan. 1926.]

**Section IV.—GRANT OF LEAVE.**

**F. R. 76.** A leave account shall be maintained for each Government servant in terms of leave on average pay.

*Secretary of State's orders.*—A separate account should be kept of the leave earned by a Government servant serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted, and the allowances



drawn during all leave, which is so debited, should be charged to that Government.

[S. of S.'s telegram No. 59-C. S. R., dated 12th Jan. 1921, received with G. I. F. D., No. 970-C. S. R., dated 22nd Sept. 1921.]

*Government of India's decision.*—The Government of India have decided that the rate of leave-salary actually received by an absentee by the operation of the orders in the Government of India, Finance Department, Resolution No. 7-C. S. R., dated the 8th January 1923 (*vide* entry below Fundamental Rule 2) should not be taken into account in recording the leave granted to inferior servants in their leave accounts but that the accounts should be debited with the kind of leave granted irrespective of the leave salary.

[G. I. F. D. letter No. F.-56-R. I./28, dated 9th April 1928.]

*Audit Instruction.*—Fractions of a day should not appear in the leave account, fractions below half should be ignored, and those of half or more should be reckoned as one day.

[Para. 8, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

*Accountant General's decision.*—Leave accounts should be maintained for all inferior servants for whom service rolls are kept.

[A. G. P. T.'s letter No. Mis.-1513/F.-90 (a), dated 16th October 1924.]

**F. R. 77. (a)** In the leave account of a Government servant, who on his entry into Government service becomes subject to these rules, shall be credited :—

- (i) If he be under the special leave rules, five-twenty-seconds of the period spent on duty ; and
- (ii) if he be under the ordinary leave rules, two-elevenths of the period spent on duty.

**(b)** In the leave account of a Government servant other than a military commissioned officer who is already in Government service when he becomes subject to these rules shall be credited :—

**(i)** If he be under the special leave rules—

- (1) The privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date : *plus*
- (2) one-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian service leave rules of the Civil Service Regulations : *plus*
- (3) one-eighth of the period prior to that date spent on duty or on privilege leave while subject to the European service leave rules : *plus*

- (4) five-twenty-seconds of the period spent on duty subsequent to that date.

(ii) If he be under the ordinary leave rules—

- (1) the privilege leave which it would, on the date on which he becomes subject to these rules be permissible to grant to him under the rules in force prior to that date : *plus*
- (2) one-twelfth of the period spent on duty or on privilege leave prior to that date : *plus*
- (3) two-elevenths of the period spent on duty subsequent to that date.

(c) In the leave account of a military commissioned officer who becomes subject to these Rules shall be credited :—

- (1) (i) The privilege leave which, on the date on which he becomes subject to these Rules, it would be permissible to grant to him under the Rules applicable to him prior to that date, or

- (ii) the leave on average pay which, on the date on which he becomes subject to these Rules, it would be permissible to grant him under Rule 100, *plus*

- (2) one-eighth of the period prior to that date spent on duty or on privilege leave during the following periods of service :—

(i) Service under the European Service Leave Rules of the Civil Service Regulations;

\* (ii) Service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

\* (iii) Service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India, *plus*

- † (3) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date according as he is subject to the special leave rules or the ordinary leave rules :

‡ Provided that in the case of an officer (other than an officer who became subject to these Rules before the 4th of December 1928) who becomes subject to these Rules in the calendar year in which he was transferred to civil employ, the credit under this clause shall be reduced by  $\frac{1}{11}$ th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of

\* These amended sub-clauses have effect from the 28th January 1930.

† This amended clause has effect from the 28th February 1928.

‡ This proviso has effect from the 4th December 1928.

transfer because the officer has not actually performed duty in the Military Department during that year.

**NOTE.**—A commissioned officer transferred from the Army Veterinary Department to the Civil Veterinary Department shall be considered, for the purposes of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service.

(d) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension.

(e) A statutory civil servant or a Government servant who is subject, at the time when these rules come into force, to the Indian Service Leave Rules which were in force in January, 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (b) above, one-third of any period of leave on medical certificate taken under the former rules.

*Government of India's decisions—*

(1) See entry below F. R. 100.

(2) The Government of India have decided that it was not the intention that the privilege leave admissible in cases of urgent necessity under Article 271, Civil Service Regulations, should be carried into the leave account under the Fundamental Rules. Such privilege leave is not leave due, though it may be granted under certain circumstances. When urgent necessity arises, Fundamental Rule 82 (c) permits an increase of the leave on the credit side by one month for every two years of duty. In this manner the period of duty rendered before 1st January 1922, which would have counted for leave under Article 271, Civil Service Regulations, will likewise be reckoned as duty, for the calculation of leave permissible in cases of urgent necessity after 1st January 1922. Thus existing rights are safeguarded.

[G. I. F. D. No. 448-C. S. R., dated 20th Mar. 1923.]

*Auditor General's decision.*—Officers who join the Indian Army from a British Unit or from the Unattached List of the Indian Army are under the British Service Leave Rules during the period intervening between the date of their first commissions and the date on which they join an Indian Army Unit. Any portion of such service spent out of India, being neither service out of India under the Indian Army Leave Rules nor service in India under the British Army Leave Rules, cannot, therefore, count towards leave under Fundamental Rule 77 (c) (2) (ii) or (iii).

[Ar. G.'s letter No. 331-A./113-28, dated 29th Nov. 1928.]

*Audit Instructions—*

(1) Five-twenty-seconds of the period spent on duty should be calculated thus:—

The amount of duty as expressed in terms of years, months and days should be multiplied by five and the product

divided by twenty-two. In this process of multiplication and division a month should be reckoned as equal to 30 days.

Two-elevenths of the period spent on duty should also be calculated similarly.

[Para. 9, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(2) In calculating the leave admissible to Government servants subject to the ordinary leave rules for a part of their service and to the special leave rules for the remainder of their service, the periods spent on duty under each of those rules should be taken separately and the calculation of the leave admissible in respect of each of those periods should be made separately. According to this interpretation of the rule, the amount of leave that will be credited to the leave account of a Government servant who was originally under the Indian Service Leave Rules and then came under the European Service Leave Rules will, under Fundamental Rule 77 (b) be—(i) the privilege leave which it would, on the date on which he becomes subject to the Fundamental Rules, be permissible to grant to him under the rules in force prior to that date, *plus* (ii) one-twelfth of the period spent on duty or on privilege leave during the period he was under the Indian Service Leave Rules, *plus* (iii) one-eighth of the period spent on duty or on privilege leave during the period he was subject to the European Service Leave Rules prior to the date of his coming under the Fundamental Rules, *plus* (iv) five-twenty-seconds of the period spent on duty subsequent to the date of his coming under the Fundamental Rules. The concession in Fundamental Rule 77 (e) should also be allowed subject to the proviso that the total leave so credited under Fundamental Rule 77 (b) (ii) should not exceed what would have been admissible had the Government servant been under the European Service Leave Rules from the beginning of his service.

[Para. 10, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(3) The expression “period spent on duty” in clause (b) (i) (2), (b) (i) (3) and (b) (ii) (2) of this rule includes also periods of subsidiary leave taken under the rules in force prior to the 29th July 1920.

[Para. 11, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(4) In calculating the amount of leave that should be credited to the leave account of a Government servant, other than a Military Commissioned Officer, on his permanent transfer from Military to Civil employ, Fundamental Rule 77 (d) should be *read* with the provisions of the preceding clauses of that rule, so that such portion of the Government servant's military duty as, under the rules for the time being in force, count for pension should be reckoned as duty for the calculation of the amount of leave to be credited under clause (b) of the rule.

In the same connection, a further point for consideration is whether, in cases where a portion of the Military Service, which is

allowed to count for civil leave under clause (d), was rendered prior to the 24th July 1923, the date on which "domicile" was adopted as the sole criterion for eligibility for admission to the benefits of the special leave rules the proportion for the calculation of the credit in respect of that portion of the military service should be one-eighth or one-twelfth. This point will be decided by the Governor General in Council in each case as it arises on its merits.

[Para. 11B, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(5) The leave of a Government servant, who has been in the employ of the Military Department and subject to the Civil Service Regulations, should, on his permanent transfer to the Civil Department, be regulated under F. R. 77 (b) and not under F. R. 77 (d). Any temporary service rendered by such a Government servant under the Civil Service Regulations counts for leave under S. R. 286.

[Para. 11A, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(6) In the case of a Military Commissioned officer in permanent civil employ, who reverts permanently to the Military Department and is again transferred permanently to the Civil Department, the net amount of leave in the officer's leave account under the Fundamental Rules on the date of his reversion to the Military Department should be credited to his leave account when he again becomes subject to those rules and his leave account should be drawn up in the following manner:—

- (i) Net amount of leave under Fundamental Rules at credit on the date of reversion to the Military Department; *plus*
- (ii) the leave on average pay under F. R. 100 at credit on the date on which he again becomes subject to the Fundamental Rules; *plus*
- (iii) one-eighth of the period spent on duty and on privilege leave from the date of reversion to the Military Department to the date on which he again becomes subject to these rules; *plus*
- (iv) Five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date, according as he is subject to the special or the ordinary leave rules.

[Manual of Audit Instructions, No. 121, dated 1st Nov. 1929.]

**F. R. 78.** The amount of leave debited against a Government servant's leave account is—

- (a) the actual period of leave on average pay including any furlough on average pay taken under rules previously in force but excluding special disability leave on average pay under Rule 83 (7), and
- (b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave-salary equal to subsistence grant under the note to

Rule 88, or of special disability leave on average pay under Rule 83 (7) (b).

**NOTE 1.**—No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Indian Army Leave Rules before coming under civil rules, is to be debited under (a) above.

**NOTE 2.**—(i) Under (b) above are to be debited—

(a) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force.

\*(b) In the case of a military commissioned officer who becomes subject to these Rules, leave in and out of India on less than full pay actually taken during the following periods of service:—

(1) service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

(2) service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India.

Provided that the debit on this account shall not exceed the credit given in respect of such service under Rule 77 (c).

(ii) In the case of a member of the Indian Civil Service or a military commissioned officer subject to these rules other than such an officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules or a chaplain on the Indian Ecclesiastical Establishment, special leave with allowances taken under rules previously in force, and leave not due taken under these rules, up to a combined maximum of three months, reckoned in terms of leave on average pay, shall not be so debited.

**NOTE 3.**—In cases covered by Rule 77 (d), the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in Notes 1 and 2 above.

*Government of India's ruling.*—Leave “not due” taken under Note 2 (ii), whether on medical certificate or not, should not up to a maximum of 3 months expressed in terms of leave on average pay be debited to the leave account of a member of the Indian Civil Service, or a military commissioned officer subject to the Fundamental Rules.

[G. I. F. D. No. 622-C. S. R., dated 20th April 1923.]

**F. R. 79.** When a Government servant, who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in Rule 81 (a) (i).

**F. R. 80.** The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

**F. R. 81.** Leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions:—

(a) The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Govern-

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\* This amended sub-clause has effect from the 28th January 1930.

ment servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date : *plus*

one-eleventh of the period spent on duty subsequent to that date : *plus*

(i) in the case of Government servants under the special leave rules, three years; or

(ii) in the case of Government servants under the ordinary leave rules, two and a half years.

\*Provided that special disability leave on half average pay or on average pay under Rule 83 (7) (a) shall not be taken into account in calculating the maximum prescribed by this clause, and, in the case of such leave taken on average pay under Rule 83 (7) (b), account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay including any furlough on average pay taken under rules previously in force which may be granted is :—

(i) To a Government servant under the special leave rules, eight months at any one time, and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date; *plus*

one-eleventh of the period spent on duty subsequent to that date : *plus* one year.

†(ii) To a Government servant under the ordinary leave rules, four months or to such Government servant attached to the Kashgar Consulate-General, six months at any one time, and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date.

### No. 142.

Page 100, F. R. 81—

Substitute the words “ India, Ceylon or Nepal ” for the words “ India or Ceylon ” occurring in the proviso to sub-clause (ii) of clause (b) of this Rule.

(This amendment takes effect from 21st July 1931.)

[G. I., F. D., Notification No. F-12 (24)-R. I/31, dated the 15th August 1931.]

(No. 142, dated the 25th September 1931.)

number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

\* NOTE 2.—The leave on average pay which on the date on which he becomes subject to these Rules it would be permissible to grant to a Military Commissioned officer under Rule 100 should, when he becomes so subject, be treated as privilege leave for the purposes of sub-rules (a) and (b) of this Rule.

(c) Leave not due may be granted subject to the following conditions :—

- (i) on medical certificate, without limit of amount; and
- (ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

(d) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months.

(e) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

*Government of India's orders—*

(1) Leave not due is intended to be regarded as an advance of leave and its grant should therefore be limited to the amount that both (a) can be and (b) will be earned by subsequent duty; further, it is meant to be granted only in exceptional circumstances, such as illness or urgent private affairs; and finally, when the exceptional step of granting such leave is taken, it should be irrevocable, except at the request of the officer, who should not be penalised if reasonable anticipations fail to materialise. The Governor General in Council has accordingly ruled—

- (i) that leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the officer will return to duty and earn it; and
- (ii) that the leave when granted should in all cases (subject to the officer's wishes) be allowed to stand, including cases in which the officer fails to earn it by subsequent duty.

N.B.—The first item of this ruling does not apply in the case of leave not due to which an officer may be eligible under Note 2 (ii) to Fundamental Rule 78.

[G. I. F. D. letter No. F-46-R. I./29, dated 6th May 1929.]

(2) Any period of leave on average pay not exceeding four months, the first four months of any period of leave on average pay

\* This Note has been introduced with effect from the 4th December 1928.



in excess of four months, or any longer period, to which Government servants may be entitled under the operation of the note [present Note 1] under Fundamental Rule 81 (b), shall count as privilege leave whether in the calculation of pensions, proportionate pensions or additional pensions.

Any other period of leave during which leave salary is drawn shall count as leave with allowance.

Leave on average pay alternating with deputation out of India should not be split up into different periods but treated as one continuous spell of leave and not more than 4 months in all should count for pension.

[G. I. F. D. Res. No. 1260-C. S. R., dated 21st Dec. 1921 and No. F./252-C. S. R./26, dated 19th Aug. 1926.]

(3) In the case of a Government servant on leave on 1st January 1922 who, in the exercise of the option given in paragraph 5 of G. I. F. D. letter No. 1079-C. S. R., dated 26th October 1921 (*vide* entry below F. R. 58), cancelled the unexpired portion of his leave and took the balance of leave under the Fundamental Rules, the period of leave which shall count as privilege leave in the calculation of pensions, proportionate pensions or additional pensions shall be that which is credited as privilege leave in the leave account made up to 1st January 1922.

[G. I. F. D. Res. No. 1137-C. S. R., dated 6th July 1923.]

(4) The question whether a period of deputation of an officer placed on duty while on leave out of India revives eligibility for the grant of a fresh period of leave on average pay having been under consideration, the Secretary of State in Council has decided that subject to the consideration of special cases where an officer is placed on deputation in Europe or America while on leave out of India, the deputation shall be regarded as an interruption of the leave already granted. The expression "at any one time" in clause (b) should be interpreted as meaning "in each separate period of leave granted." In ordinary circumstances, the leave of such an officer will be extended by the period of the deputation but the deputation will not entitle him to a fresh grant of leave.

[G. I. F. D. No. 23-III-C. S. R., dated 20th May 1927.]

(5) An official subject to the ordinary leave rules was granted leave out of India for 6 months from the 19th March 1928 but instead of spending the entire period of leave out of India he spent the leave as follows:—

In India from 19th March 1928 to 5th April 1928, *i.e.*, for 18 days.

Out of India from 6th April 1928 to 22nd June 1928, *i.e.*, for 2 months and 17 days.

In India again from 23rd June 1928 to 18th September 1928, *i.e.*, for 2 months and 27 days.

The period of leave at his credit in column 6 of his leave account was 3 months and 17 days on 19th March 1928. In view of the fact that the period of leave from 23rd June 1928 to 18th September 1928 brought the total leave on average pay taken at a time to more than 4 months the question arose whether leave on average pay granted for this period without the production of a medical certificate was in order. It was decided by the Government of India that, under the proviso to F. R. 81 (b) (ii), leave on average pay in excess of the period which would be admissible if the proviso were inapplicable is admissible to a Government servant who spends a portion of his leave elsewhere than in India or Ceylon, even though this portion coincides, partly or wholly, with the period of leave on average pay ordinarily admissible. The excess is, however, subject to the limit of the period spent elsewhere than in India or Ceylon.

[Ar. G.'s letter No. 343-A./95—29, dated the 21st December 1929.]

*Audit Instructions—*

(1) Under the proviso to sub-clause (ii) of Fundamental Rule 81 (b), if a Government servant on leave under the ordinary leave rules produces a medical certificate or proceeds out of India or Ceylon during his leave, the period of leave on average pay that may be granted in excess of the period up to four months ordinarily admissible should be limited to the period actually covered by the medical certificate or spent elsewhere than in India or Ceylon subject to the total maximum limit of 8 months on average pay admissible at one time.

If leave on average pay is applied for after a Government servant has had leave on half average pay in continuation of a period of leave on average pay, either by the production of a medical certificate or by a Government servant proceeding out of India or Ceylon, the period of leave on average pay that may then be granted should be similarly limited to the period actually covered by the medical certificate or spent elsewhere than in India or Ceylon. The grant of the leave should also be so regulated that the total period of leave on average pay during that spell of leave does not exceed 8 months. In such cases, the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of the leave should be treated as privilege leave for purposes of pension.

[Para. 12, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

[The above Audit Instruction does not require alterations of the original entries in the service book, leave account, etc. Thus the intervening period of leave on half average pay, which has not been converted into leave on average pay under the operation of the proviso to Fundamental Rule, 81 (b) (ii), should remain unchanged.]

[Ar. G.'s No. 115-A/30-24, dated 16th February 1925.]

(2) The limit of 28 months of continuous absence prescribed in Rule 81 (d) includes the period of vacation, if any, with which leave is combined.

[Para. 15, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(3) The expression "continuous absence from duty on leave" occurring in Rule 81 (d) does not include absence on extraordinary leave.

[Para. 16, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(4) (a) If under the operation of the proviso to F. R. 81 (b) (ii), the maximum amount of leave on average pay admissible at a time has been increased by the grant of leave on medical certificate further leave on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in India or Ceylon.

(b) Leave on average pay, in excess of the period which would be admissible if the proviso were inapplicable, is admissible to a Government servant who spends a portion only of his leave elsewhere than in India or Ceylon, even though this portion coincides, partly or wholly, with the period of leave on average pay ordinarily admissible. The excess is, however, subject to the limit of the period spent elsewhere than in India or Ceylon.

(c) Leave on average pay which may be taken on medical certificate or outside India or Ceylon up to a maximum of 12 months in a Government servant's whole service does not if due, consume the leave on average pay which may be taken without medical certificate.

[Para. 13, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

*Auditor General's decisions—*

(1) A Government servant under the ordinary leave rules can have leave on full average pay without medical certificate or without proceeding outside India or Ceylon only to the extent of privilege leave at his credit on 1st January 1922 *plus* one-eleventh of the period spent on duty subsequent to that date, in all and up to a maximum of 4 months at one time (but see note—present note 1—under Fundamental Rule 81). If, however, he produces a medical certificate or spends his leave outside India or Ceylon, leave on full average pay may be granted to him up to the maximum prescribed in sub-clause (i) of clause (b) of Fundamental Rule 81, provided that he has sufficient leave at his credit in his leave account.

[Ar. G.'s No. 1136-A/398-23, dated 16th Nov. 1923.]

(2) A Government servant subject to the ordinary leave rules—

(a) may be granted leave on average pay *at one time* on medical certificate or on the condition that the leave is spent elsewhere than in India or Ceylon, up to the amount due but not exceeding 8 months;

(b) may be granted leave on average pay *in all* equal to the privilege leave which it would, on the date on which he comes under the Fundamental Rules, be permissible to grant to him, under the rules applicable to him prior to that date *plus* one-eleventh of the period spent on duty

subsequent to that date, *plus* any period of leave on average pay taken on medical certificate or spent elsewhere than in India or Ceylon subject to a maximum of one year.

[Ar. G.'s No. 372-A/69-23, dated 10th Mar. 1923.]

(3) When the privilege permitted by Fundamental Rule 82 (c) is exercised, the additional leave permissible under that clause becomes "leave due," and thus acquires a character different from the leave not due which may be granted under Fundamental Rule 81 (c). Leave under this rule and under Fundamental Rule 82 (c) may be granted in conjunction.

[Ar. G.'s No. 648-A/172-23, dated 16th May 1923.]

(4) Leave "not due" can be granted under Fundamental Rule 81 (c) (ii) to an officer whose leave account shows a debit balance in consequence of the grant of leave "not due" on a previous occasion. It was the avowed object in framing the new leave rules in the Fundamental Rules to remove from the rules themselves restrictions which could be applied by the administrative action of the authorities and consequently the authority competent to sanction leave can always refuse to grant a fresh period of leave "not due" if the application to such leave is not supported by a medical certificate.

[Ar. G.'s No. 98-A/492-23, dated 28th Jan. 1924.]

(5) For the purpose of the proviso to F. R. 81 (b) (ii) Aden should be taken as being within India. This decision has the concurrence of the Government of India.

[Ar. G.'s letter No. T.—792-A/134-30, dated 12th July 1930.]

**F. R. 82.** The following provisions apply to vacation departments only :—

- (a) A Local Government may make rules specifying the departments or parts of departments which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.
- (b) Vacation counts as duty, but the periods of total leave in Rules 77, 81 (a) and 81 (b) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.
- (c) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in Rules 77 and 81 (a), as reduced by clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.

- (d) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

*Government of India's orders.*—As it is not the intention to perpetuate the restrictions of Article 278, C. S. R. (*Vide* item (4) of Audit Instructions under this rule), it is permissible to allow vacation to intervene between two periods of leave.

[G. I. F. D. letter No. F-51-R. I./28, dated 31st Mar. 1928.]

*Audit Instructions—*

(1) The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation as required to be made under Rule 82 (b) is intended to be made in respect of leave earned and vacation taken from 1st January 1922.

Thus, in the case of Government servants of Vacation Departments, the leave credited to their leave account under Fundamental Rule 77 will be—

- (1) privilege leave at their credit on 1st January 1922 (*i.e.*, privilege leave earned under Articles 272 to 275, Civil Service Regulations), *plus*
- (2) one-eight (or one-twelfth) of the period spent on duty or vacation (or privilege leave) up to 31st December 1921, *plus*
- (3) five-twenty-seconds (or two-elevenths) of the period spent on duty or vacation from 1st January 1922.

From this, a reduction will be made of one month for each year of duty in which the Government servant avails himself of the vacation after 1st January 1922. Similarly the total leave admissible under Fundamental Rules 81 (a) and 81 (b) will be reduced by one month for each year of duty in which the vacation is taken after 1st January 1922.

[Para. 18, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(2) The amount credited to the leave account under Rule 82 (c) as well as that added to the maximum under Rule 81 (a) should be the actual amount of additional leave taken under this Rule and not the total amount theoretically permissible, *viz.*, one month for every two years of duty.

[Para. 19, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(3) For the purposes of Government of India, Finance Department, Resolution No. 1260-C. S. R., dated the 21st December 1921, a Government servant of a vacation department who combines vacation with leave on average pay can count as service for pension only a total period of four months on each occasion.

[Para. 20, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(4) The restrictions on the combination of leave and vacation which were imposed by Article 278, Civil Service Regulations are not perpetuated under the Fundamental Rules. Such combination is, however, under the latter rules, subject to the condition mentioned in F. R. 82 (d), and it is thus permissible to allow a vacation to intervene between two periods of leave. Similarly vacations may be prefixed or affixed to leave or both prefixed and affixed.

[Para. 17, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(5) The term "each year of duty" should be interpreted to mean, not a calendar year in which duty is performed, but twelve months of actual duty. If the Government servant has enjoyed such vacation as falls within a period of twelve months beginning on the day on which he begins his duty on return from leave or otherwise, then one month should be deducted from his leave account. It does not matter whether the day on which this year ends, falls in a vacation in the succeeding calendar year. The only question is whether the Government servant has enjoyed such vacation as fell within the period of one year as interpreted above.

If, to take an example, a Government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty, including vacation, bears to the whole year. If, to take a further complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of vacation actually enjoyed bears to the whole period of vacation which fell within that period.

In the case of Government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as combined into one.

[Para. 18A, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

**\*F. R. 83. (1)** Subject to the conditions hereinafter specified a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

**(2)** Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. But the Governor General in Council, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

**(3)** The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in Rule 78 (b), be debited against the leave account.

(7) Leave salary during such leave shall, subject to the maxima and minima prescribed in Rules 89 and 90, be equal—

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this Rule, to average pay, and

(b) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under this Rule shall, with effect from the 1st July 1924, be reduced by the amount of compensation payable under section 4 (I) (d) of the said Act.

\*(9) The provisions of this Rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this Rule for the purpose of calculating the period admissible.

*Secretary of State's decision.*—The intention of *old* Fundamental Rule 83 (c) [corresponds to *new* F. R. 83 (9)] is not that special disability leave should be given to cover any portion of an officer's military service, but that it should be admissible only after the officer's discharge as unfit for further military service.

[G. I. F. D. No. F./21/II-C. S. R./24, dated 30th July 1924.]

*Government of India's decision.*—The provisions of Rule 83 may be applied to any cases that may have arisen since the commencement of the Great War.

[G. I. F. D. No. 1221-C. S. R., dated 18th July 1923.]

†F. R. 83A. The Governor General in Council may extend the application of the provisions of Rule 83 to a Government servant who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official post-

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\* This amended clause has effect from the 28th May 1929.

† This rule was introduced with effect from the 18th April 1926.

tion, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions :—

- (i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty; and
- (ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Governor General in Council, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and
- (iii) that the period of absence recommended by the medical board may be covered in part, by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than four months.

**\*F. R. 83B.** (1) A Government servant who has been granted special disability leave under Rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife, and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion, or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council. Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The Governor General in Council may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under Rule 83A, and whose domicile is elsewhere than in Asia, provided that he may, at his discretion, grant free passages to the Government servant only, or to the Government servant and his wife only.

(4) For the purpose of this rule :—

- †(i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of clause 2 (a) of Rule 75 and of Rules 75-A, B and C.

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\* This rule was introduced with effect from the 15th April 1926.

† This amended sub-clause has effect from the 31st December 1929.



- (ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

**F. R. 84.** Leave may be granted to Government servants, on such terms as the Secretary of State in Council may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

*Secretary of State's Rules regarding Study Leave.*—The rules prescribed by the Secretary of State in Council, with reference to this rule to regulate the grant of additional leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction are reproduced in Appendix No. 9. It has also been decided by the Secretary of State that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in Rule 2 of the Study Leave Rules.

[G. I. F. D. Res. No. F.-20-(2)-C. S. R.-25, dated 4th Feb. 1925.]

*Government of India's decisions—*

(1) The Government of India have decided that the cost of the allowance paid to a Government servant during study leave shall be debited to the Government under which he is employed when the study leave is granted.

[G. I. F. D. No. 47-C. S. R., dated 12th July 1924.]

(2) The Governor General in Council has decided that, so far as Government servants under his administrative control or serving in a Chief Commissioner's province are concerned, it is not intended that the Study Leave Rules should be applied ordinarily in the cases of non-gazetted officers. Any proposal to extend the rules in exceptional cases to such officers should be referred to the Government of India for orders.

[G. I. F. D. No. F.-20-III-C. S. R.-25, dated 15th April 1925.]

*Government of India's order.*—All officers, whether granted study leave in India or whether they apply for it in the United Kingdom, should submit their programmes to the High Commissioner *before* embarking on their course of study.

[G. I. F. D. No. F.-20-II-C. S. R.-25, dated 17th March 1925.]

*Audit Ruling.*—Study leave may be granted to an officer of less than 5 years' service at the discretion of the authority competent to grant the leave.

[Ruling (33), Sec. IV of Compilation of Audit Rulings.]

**F. R. 85. (a)** In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted. Such leave

is not debited against the leave account. No leave-salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

[For Administrative Instructions issued by the Governor General in Council regarding "casual leave", see Part V (2) of Appendix 3.]

*Audit Instruction.*—Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not also be debited against the leave account under note (2) to Fundamental Rule 78.

[Para. 22, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

*Auditor General's decision.*—Extraordinary leave may be granted either by itself or in combination with or in continuation of other leave-subject only to the provision in Fundamental Rule 18.

[Ar. G.'s No. 1091-A./433-23, dated 31st Oct. 1923.]

**\*F. R. 86.** (a) Leave at the credit of a Government servant in his leave account shall lapse on the date on which he must compulsorily retire provided that if in sufficient time before that date he has—

- (1) formally applied for leave and been refused it, or
- (2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of 6 months.

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of  $\frac{1}{11}$ th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which he may take on each occasion shall not exceed six months. If the Government servant has during the period of extension—

- (1) formally applied for leave due and been refused it, or

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\* This revised rule has effect from the 23rd April 1929.

- (2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the said Government servant may be granted, when his duties finally cease, and preparatory to retirement, the amount of leave so refused up to a maximum of 6 months.

*Government of India's decisions.*—The grant of leave under this rule automatically carries with it the extension required and no formal sanction to the extension is necessary.

[G. I. F. D. No. 520-C. S. R., dated 31st May 1922.]

*Government of India's ruling.*—The date on which a ministerial servant must compulsorily retire is ordinarily the date on which he attains the age of 60 years, but in the case of a ministerial servant who is required to retire between the ages of 55 and 60, the date of compulsory retirement is the date from which he is required to retire. It follows from this ruling that the restriction imposed by Fundamental Rule 86 does not operate in the case of a ministerial servant between the ages of 55 and 60 unless an order is passed requiring him to retire.

[G. I. F. D. No. F.-25-C. S. R.-25, dated 28th Jan. 1925 and para. 1 of A. I. Cir. No. 24, dated 16th March 1925.]

*Auditor General's decisions—*

- (1) The rule in Note 3 to Fundamental Rule 56 does not require that the authority sanctioning leave under Fundamental Rule 86 should necessarily be competent to sanction an extension of service also.

[Ar. G.'s No. 898-A./K. W. 79-22, dated 15th Aug. 1923.]

- (2) The permission given by Fundamental Rule 86, for an officer being granted leave for not more than 6 months beyond the age at which he must compulsorily retire, also carries with it the permission for the officer to retain a lien on his post. (Fundamental Rule 14 (a).) As the officer does not continue on duty but merely draws a leave-salary by virtue of a privilege extended to him, no formal extension of service is necessary. He retains a lien on his post and as such the post cannot be substantively filled till he actually retires from the service.

[Ar. G.'s U. O. No. 166-Code-1, Ref.-22, dated 18th May 1922.]

- (3) The Government of India have ruled that the term "lien" used in the last sentence of paragraph 4 of the Government of India, Finance Department, letter No. 1079-C. S. R., dated the 26th October 1921 (*vide* entry below F. R. 58) should be interpreted in the same sense in which it has been used in the Civil Service Regulations. Article 31 of Civil Service Regulations lays down that an officer has a lien on an officiating appointment if his right to resume, on return to duty, that appointment is subject to the same condition of conformity with the interest of public service as

his tenure of the appointment. This condition is not satisfied in a case in which an officer takes leave under Fundamental Rule 86, after the date of his compulsory retirement.

[Ar. G.'s No. 1277-E/195-23, dated 13th Mar. 1923.]

(4) A Europe Leave-Salary Certificate should contain full particulars of the various kinds of leave that can be granted to a Government servant on leave out of India. The amount of leave admissible to a Government servant under Fundamental Rule 86 should consequently be entered therein without regard to the question of sanction which will be settled by the competent authority in England in consultation with the authorities in India, if necessary.

[Ar. G.'s No. T.-576-A/303-23, dated 1st Aug. 1923.]

*Accountant General's decision.*—Sanction to extension of service shall not be called for (by audit offices) unless the ministerial servant is retained in service after the age of 60.

[A. G. P. T.'s No. Mis.-2633/L-53-II, dated 18th March 1925, to all Branch Audit Offices.]

*Director General's Instructions.*—Applications for leave under Fundamental Rule 86 should always be accompanied by a certificate from the controlling officer that the leave was applied for in time and refused owing to exigencies of the public service.

[D. G. P. T.'s No. 509-G., dated 15-17th Mar. 1924.]

### Section V.—*LEAVE-SALARY.*

**F. R. 87.** Subject to the conditions in Rules 81, 88, 89 and 90, a Government servant on leave shall, during leave, draw leave-salary as follows :—

- (a) If the leave is due, leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect; and
- (b) If the leave is not due, leave-salary equal to half average pay.

Provided that when a non-gazetted Government servant who was in service on the 24th day of August 1927 takes leave and—

- (i) his pay is less than Rs. 300, or
- (ii) the leave taken does not exceed one month,

his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

*Government of India's decisions—*

(1) The Government of India have decided that a Government servant cannot be compelled against his wishes to take leave on half

average pay when leave on full average pay is admissible to him, unless it be deemed necessary in the public interest and in the interest of the individual also to prevent the too rapid exhaustion of the limited amount of full pay leave available under the Fundamental Rules. These orders must not be interpreted as interfering with the discretion entrusted to an authority competent to grant leave to determine whether leave should or should not be granted.

[Ar. G.'s No. 588-A./72-23, dated 26th April 1923.]

(2) It was not the intention that a Government servant should be permitted to manipulate different arrangements of leave to his own advantage. Fundamental Rule 87 (a) provides that Government servant on leave shall during leave, if the leave is due, draw leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect. The election given by the rule is the election between the three different forms of leave-salary mentioned therein and the rule is not intended to give any choice as to the period during which average pay or half average pay can be drawn if the officer elects the third form. In that case the intention is that the period on average pay should be taken first and should be succeeded by the period on half average pay.

[G. I. F. D. No. 604-C. S. R., dated 26th April 1924, to the Government of Bihar and Orissa.]

(3) The words "as he may elect" in F. R. 87 (a) imply election once for all and, therefore, debar a Government servant from claiming commutation of leave as of right. The Government of India, with the concurrence of the Auditor General, have therefore decided that though under the Fundamental Rules the authority which granted leave can (if so disposed) commute it retrospectively into leave of a different kind, yet a Government servant does not possess any right to insist that it should be so commuted.

[Ar. G.'s No. 755-A./345-25, dated 2nd Jan. 1926.]

(4) For the purpose of the proviso to this rule, it has been decided by the Governor General in Council that:—

- (i) A Government servant who was only temporary or officiating and was not holding substantively a permanent post on the 24th August 1927, has clearly no claim and
- (ii) A Government servant who was in permanent Government service on or before the 24th August 1927 and who was entitled to the privilege under this proviso, will retain that privilege if re-appointed after resignation or discharge, or if re-instated after dismissal, provided that he is allowed to count his past service for leave under Fundamental Rule 65 (a) or (b).

[G. I. F. D. letter No. F-31-R. I./28, dated 3rd April 1928.]

(5) A Government servant who was holding, on probation, a permanent post on the 24th August 1927, and had no lien on any other post is not entitled to the concessions admissible under the proviso to Fundamental Rule 87 (b), since his leave is *absolutely* governed by Fundamental Rule 104 and *not* by the rules in Sections I to V of Chapter X of the Fundamental Rules—*c.f.* Fundamental Rule 58.

[G. I. F. D. No. 31-R. I./28, dated 15th August 1928.]

*Audit Instructions—*

(1) The term 'permanent post' occurring in the expression 'the pay which he would draw in the permanent post' contained in the proviso to this rule may be interpreted to mean a post on which the Government servant's lien has been suspended, if he holds a lien on no other permanent post.

[Para. 25B, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(2) A Government servant who holds substantively a non-gazetted permanent post, but proceeds on leave from a gazetted post, should be regarded as a gazetted officer for the purposes of this rule.

[Para. 24, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(3) The term "pay" occurring in the expression "the pay which he would draw in the permanent post held substantively by him" contained in the proviso should be interpreted as including "special pay", whether attached to a post or personal to a particular Government servant, since in either case he would draw it in the post which he holds substantively.

[Para. 25A, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(4) The phrase 'at the time of taking leave' occurring in the proviso to this rule, denotes a point in time and that point is the moment at which leave begins. If, therefore, a Government servant proceeds on leave with effect from the forenoon of a day on

No. 146.

*Page 115, F. R. 87—*

*Insert* the words "and Brevet Colonels" *after* the word "Lt.-Colonels" in line 2 of item (5) of "Audit Instructions" under this rule; and

*Add* the following at the end of this item:—

"Provided that the total emoluments during leave of such officers shall in future be subject to the maxima prescribed by Fundamental Rule 89."

[Manual of Audit Instructions (1926), No. 186.]

(No. 146. dated the 25th September 1928.)

*Auditor General's decisions—*

(1) A Government servant who has taken leave on average pay under the Fundamental Rules, on the first occasion after the introduction of these rules and who has exercised the option under paragraph 4 of G. I., F. D., letter No. 1079-C. S. R., dated 26th October 1921 (page 83) of drawing leave-salary at the rate of pay without post, on which he holds a lien, instead of his average pay without limit, may increase his leave-salary, during the first 4 months, or 6 months when the excess over 4 months is covered by the temporary war concession, of the leave, on account of an increment falling due in the scale of pay applicable to the post which he holds substantively.

[Ar. G.'s letter No. 194-A./174-23, dated 2nd Mar. 1924.]

(2) An officer who takes after 1st April 1924 leave on average pay for 4 months (or more if covered by the temporary war concession) for the first time after the introduction of the Fundamental Rules and exercises the option of drawing as leave-salary the pay of the post on which he has a lien instead of his average pay without limit, may draw during such leave both the leave pay and the sterling overseas pay which he drew while holding the post.

[Ar. G.'s letter No. 66-A.—6-25, dated 28th Jan. 1925.]

(3) A question was raised as to whether certain classes of non-gazetted officers to whom the grant of special pay is dependent on the definite completion of certain duties (*e.g.*, machine operators employed in Postal Audit Offices get special pay if they complete a certain number of items per day for a month) are entitled to have their leave-salary calculated on the basis of their pay and special pay. It was decided that the leave-salary of such officers must be calculated on the basis of the pay and special pay to which they are actually entitled immediately prior to proceeding on leave.

[This decision will also apply in the case of Accountants employed in Post Offices. Accountant General's orders, dated 25th April 1927 in file A.-195.]

[Ar. G.'s letter No. 2409-E./112-27, dated 23rd April 1927.]

**F. R. 88.** After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave-salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90.

**\*NOTE.**—A member of the Indian Civil Service or a military commissioned officer subject to the special leave rules is entitled to leave-salary equal to subsistence grant after this period.

*Audit Instructions—*

(1) The expression "continuous absence from duty on leave" in this rule does not include absence on extraordinary leave.

[Para. 26, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

\* This amended note has effect from the 28th February 1928.

(2) The period of 28 months mentioned in this rule includes the period of vacation, if any, with which leave is combined.

[Para. 26, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

*Auditor General's decision.*—The period of 28 months' continuous absence from duty on leave referred to in Fundamental Rule 88 includes any period of leave on quarter pay or quarter average salary. The exclusion of extraordinary leave is no precedent as such leave is not debited against the leave account [*vide* Fundamental Rule 85 (a)] while leave of the former kind is so debited [*vide* Fundamental Rule 78 (b)].

[Ar. G.'s No. 237-A./58-24, dated 17th Mar. 1924.]

**F. R. 89. \* (1)** During the first four months of any period of leave on average pay, leave-salary is subject to an absolute maximum of Rs. 4,000 per mensem, but this provision shall not apply to any Government servant, not being a member of the Indian Civil Service who held on the 28th September 1927, a post to which a salary is attached exceeding Rs. 4,000 a month, or to the person who at that date held the office of Auditor General.

(2) Except during the first four months of any period of leave on average pay, leave-salary is subject to the monthly maxima shown in the following table :—

	Average.		Half Average.		Quarter Average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs.	£	Rs.	£	Rs.
Indian Civil Service and military commissioned officers subject to the special leave rules.	222	2,222	111	1,111	..	..
Other Government servants subject to the special leave rules.	200	2,000	100	1,000	60	600
Government servants subject to the ordinary leave rules.	150	1,500	75	750	60	600

NOTE 1.—The maximum of average pay does not apply in the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, during a period equal to that for which he is entitled to privilege leave.

NOTE 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation; provided that, in the case of a Government servant who is transferred with leave to his credit from a non-vacation to a vacation department, the local Govern-

\* The sub-rule (1) was introduced with effect from the 26th September 1927.



ment shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave-salary shall not be applied to him.

*Government of India's decision.*—A question arose as to whether, during the leave on half average pay taken in India by a military officer in civil employ against the leave earned by him in the Military Department, his leave-salary is subject to the maximum prescribed in Fundamental Rule 89. As the leave was granted under the Fundamental Rules, the leave-salary must be regulated by the rules in Chapter X of those rules. Note 2 to Fundamental Rule 90 permits the minimum leave-salary to be regulated by the Military rules. \* \* \* It has, therefore, been decided by the Government of India, in consultation with the Auditor General, that the military rate of leave-salary cannot be withheld from the officer simply because it exceeds the civil maximum.

[Ar. G.'s No. 390-A./122-25, dated 15th June 1925.]

*Audit Instructions—*

(1) The intention is that vacation should be treated as the equivalent of the leave on average pay for the purposes of this rule and Government of India, Finance Department, Resolution No. 1289-C. S. R., dated the 10th January 1922. (*Vide* entry below Fundamental Rule 90.)

[Para. 27, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(2) When a portion of the leave-salary is paid in sterling, it should, for the purpose of applying the rupee limits of leave-salary prescribed in Fundamental Rules 89 and 90, be converted into rupees at the rate of 1s. 6d. to the rupee.

[Para. 28, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 90.** Subject to the condition that the leave-salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minima shown in the following table :—

	Half Average.		Quarter Average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs.	£	Rs.
Indian Civil Service and military commissioned officers subject to the special leave rules.	55½	555	...	...
Other Government servants subject to the special leave rules.	33	333	16½	166
Government servants subject to the ordinary leave rules.	25	250	12½	125

\*NOTE 1.—The minima specified above for Government servants other than members of the Indian Civil Service and military commissioned officers subject

\* This amended Note has effect from the 28th February 1928.

to the special leave rules apply only when leave is taken or extended out of India elsewhere than in Ceylon and in the case of Government servants of the Indo-European Telegraph Department, when leave is taken or extended outside India and Persia elsewhere than in Ceylon.

NOTE 2.—In the case of a military commissioned officer the minimum leave salary during such leave as may be added under Rule 77 (c) to the leave earned by duty under these Rules, or under the European Service Leave Rules of the Civil Service Regulations in the case of an officer who was subject thereto on the 31st December 1921, shall be that prescribed by the Military Rules to which the officer was subject immediately before he came

## No. 22.

### No. 143.

Page 119, F. R. 90—

(1) Insert the words “or Nepal” after the word “Ceylon” occurring for the first time in Note 1 to this Rule.

(2) Omit the words “and in the case of Government servants of the Indo-European Telegraph Department, when leave is taken or extended outside India and Persia elsewhere than in Ceylon” from Note 1 to this Rule.

(These amendments take effect from 21st July 1931.)

[G. I., F. D., Notification No. F-12 (24)-R. I/31, dated the 15th August 1931.]

(No. 143, dated the 25th September 1931.)

### No. 69.

Page 119, F. R. 90—

Add the following below the “Secretary of State’s decision” under this rule:—

“(This interpretation should be applied with effect from 1st March 1929.)”

[G. I., F. D., No. F-12 (3)-R. I/31, dated 22nd January 1931.]

(No. 69, dated the 25th April 1931.)

with the exception that any period of privilege leave at the credit of the officer under Rule 77 (b) out of the first 4 months’ leave on average pay taken after the officer comes under the Fundamental Rules, will always go against the amount of leave earned under the civil rules.

[Ar. G.’s U. O. I. No. T-20-Admn.—44-23, dated 7th May 1923.]

**\* F. R. 91.** (1) That portion of leave-salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling.

(2) Subject to the provisions of sub-rule (1) leave-salary shall be drawn in rupees if due in respect of leave spent in Asia, and in sterling if due in respect of leave spent out of Asia :

Provided that—

(a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four

\* This revised rule was introduced with effect from the 17th March 1925.

months, leave-salary due in respect of any portion of such leave which is spent in Asia may, if the officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling and leave-salary due in respect of any portion of such leave spent out of Asia may be drawn in rupees;

- (b) in the case of leave of any other description, or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave-salary in respect of the whole of such leave may be drawn in sterling.

(3) Leave-salary drawn in rupees shall be drawn in India, or, in the case of a Government servant who spends his leave in Ceylon, in Ceylon.

\*(4) Leave-salary drawn in sterling shall be drawn in London or, at the Government servant's option, in any British Dominion or Colony which the Secretary of State in Council may by order prescribe for the purpose, provided that the officer spends his leave in the Dominion or Colony in which he has elected to draw his leave-salary, but if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn for no fault on his part, the Governor General in Council may authorise the undrawn amount to be paid in India at such rate of exchange as the Secretary of State in Council may by order prescribe.

[For a list of British Dominions and Colonies in which leave-salary may be drawn in sterling, see Appendix 9A.]

(5) Leave-salary shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

*Secretary of State's orders—*

(1) As some doubt has been felt as to the minimum rate of exchange applicable to leave-allowances drawn during commuted furlough taken under the rules in the Civil Service Regulations, it has been ascertained that the Secretary of State's intention was that the favourable minimum rate of 1s. 6d. per rupee prescribed in Article 868, Civil Service Regulations, should apply to all leave-salary drawn during commuted furlough. He has accordingly been pleased to sanction, with retrospective effect from the date of introduction of the rules relating to commuted furlough, the application of that rate to commuted furlough allowances when equal in amount to the salary last drawn.

[G. I. F. D. No. 2142-C. S. R., dated 3rd Dec. 1923, to all Provincial and Minor Local Governments.]

(2) *Vide* item (6) of "Secretary of State's orders" under F. R. 51.

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\* This amended sub-rule has effect from the 21st December 1926.

*Government of India's orders—*

(1) (a) The cost of leave-salary paid outside India should be distributed between the different Governments, under which a Government servant has served, according to the length of service under each Government and it should be debited to the "foreign" Government up to the full amount earned by that service.

(b) When a Government servant is transferred under a Government other than that under which he was first employed, the leave salary drawn by him during any leave taken after the date of transfer, shall be charged to the borrowing Government until the entire leave earned under that Government is exhausted.

[G. I. F. D. No. 865-C. S. R., dated 11th Aug. 1921.]

(2) For the purpose of clause (4) of this rule, it has been decided that if leave salary due in respect of any portion of leave out of Asia and payable to a Government servant in sterling remains undrawn through the late arrival of a steamer, it may be held to be non-drawal through no fault of the Government servant concerned and the drawal in India permitted in such cases as a matter of course.

[G. I. F. D. letter No. F-50-R. I./28, dated 28th Mar. 1928.]

(3) Under F. R. 91(2)(b) read with F. R. 92, it has been decided that a Government servant who spends not more than one  
**No. 70.**

*Page 121, F. R. 91—*

*Insert the following as item (4) of "Government of India's orders" under this rule:—*

"(4) The amount of Compensatory allowances to be drawn during leave can seldom be settled at the beginning of leave as it depends largely not on anticipated expenditure but on proved expenditure. It would, therefore, be generally impossible to include in the original leave salary certificate the exact amount of allowances to be drawn during leave. For these reasons, it has been decided that compensatory allowances during the first four months of leave on average pay should not be paid at the Home Treasury except in cases in which such allowances are from the start included in the calculation of average pay. An officer who wishes to draw his compensatory allowances before he returns from leave in England, may leave signed blank bills endorsed to his banker, to be presented in due course and passed for payment into his account."

[Ar. G.'s letter No. 77-A./240—30, dated 13th March 1931.]

(No. 70, dated the 25th April 1931.)

**\*F. R. 92.** The rupee and sterling maxima and minima prescribed in Rules 89 and 90 shall be applied to leave salaries paid respectively in rupees and in sterling.

\* This revised rule was introduced with effect from the 17th March 1925.

**F. R. 93.** A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government

### No. 28.

Page 122, F. R. 93—

Delete the words "on average pay" in line 4 and the words "during the first four months of his leave" in line 6 of this rule.

(This amendment takes effect from 27th January 1931.)

— 11th March 1931 dated 11th March 1931.]

### No. 126.

Page 122, F. R. 93—

Insert the following below the Correction No. 28, dated the 25th April 1931, to this rule:—

["This amendment has also been made by the Governor General in Council, with effect from 11th March 1931, in exercise of the powers conferred on him by Rules 33 (2), 37, 42 and 44 (d) of the Civil Services (Classification, Control and Appeal) Rules."]

(No. 126, dated the 25th August 1931.)

~~pay for the concessions granted~~  
is classed as compensatory in future.

The intention is that the allowances if drawn should in such cases be included in average pay when calculating leave-salary for such period of four months.

[G. I. F. D. No. 350-E. B., dated 1st May 1922, to all Local Governments.]

*Auditor General's decision.*—The Government of India, Finance Department, letter No. 350-E. B., dated 1st May 1922, is intended merely to continue a concession which was admissible under notes 1 and 2 to Article 268, Civil Service Regulations, and not to grant any new concession not admissible under the old rules. Under note 1 to Article 268, Civil Service Regulations, Burma Allowance could be drawn subject to the condition that the grant of leave does not necessitate the transfer within the limits of the province of an officer from outside the province.

[Ar. G.'s No. 2905-E./K. W./8-22, dated 27th June 1925.]

### Audit Instructions—

(1) Under this rule the maximum period during which a Government servant can be allowed to draw compensatory allowances while on leave is four months (or six months in the case of leave admissible under the special concession referred to in Note 1 to Fundamental Rule 89). The length of the total period of leave is irrelevant, but compensatory allowances cannot be drawn during any period of leave which is not leave on average pay.

[Para. 31, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

(2) See Audit Instruction (5) under Fundamental Rule 44.

(3) A Government servant's claims to Travelling Allowance should be regulated by the rules in force at the time the journey, in respect of which they are made, was undertaken.

No. 48.

Page 123, F. R. 93—

No. 123.

Page 123, F. R. 93—

*Substitute* the following for the existing item (4) of "Audit Instructions" introduced under this rule by Correction No. 48, dated the 25th April 1931:—

"(4) *Treatment of vacation as 'leave' for the purpose of this rule.*—When vacation is combined with leave, the entire period of vacation and the leave should be taken as one spell of leave for the purpose of clause (a) of S. R. 6."

[Manual of Audit Instructions (1926), No. 179.]

(No. 123, dated the 25th August 1931.)

~~When a Member is absent from duty~~ Subject to any special orders by the Government of India to the contrary, leave of absence granted to a Member of the Executive Council of the Governor General (if taken out of India) commences on the day after such Member embarks at any port in India, excluding Aden, and ends on the day before he disembarks at any port in India, excluding Aden; provided always that such Member has not been relieved of the charge of his office until he embarks and that he resumes charge immediately upon his disembarkation.

[Para. 34, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 94A.** The rules in sections I to V are not applicable to the Presidents of Legislative bodies, whose leave is governed by orders issued in this behalf by the Secretary of State in Council.

*Secretary of State's orders.*—The Secretary of State in Council has laid down the following principles to govern the grant of leave to the Presidents of the Legislative Councils:—

- (i) In view of the long periods of what may be described as "vacation" which a President enjoys and which he is free to spend wherever he chooses, no President shall be regarded as "earning leave" at all during the tenure of his appointment, or shall, except in the case of inability through sickness to attend to duty, be granted on the basis of his pay and service as President leave of absence from his duty with allowances, either during the tenure of his appointment or, except as provided in clause (ii) below, on its termination.

- (ii) An official, being a member on the active list of a regular service, appointed to be President of a Council, shall

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\* This revised clause was introduced with effect from 28th September 1927.

be treated as retaining, during his tenure, his right to any leave which he had earned and which was due to him at the time when he assumed the office of President, and shall be entitled to enjoy such leave on or after the termination of his office of President on the allowances which would be admissible without taking account of the salary drawn as President.

The Secretary of State has left to the discretion of His Excellency the Governor the settlement of any question of detail which may arise.

[G. I. F. D. Res. No. 1130-C. S. R., dated 5th Oct. 1922.]

**\*F. R. 94B.** Except as provided by Rule 61, the Rules in Sections I to V are not applicable to Government servants paid from Military Estimates who are temporarily transferred to service paid from Civil Estimates (including service in a tenure post). Such Government servants remain subject to the Rules which applied to them before their transfer.

**F. R. 95.** Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe, the special leave rules in sections I to V of this chapter apply to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

*Secretary of State's Rules.*—The rules made by the Secretary of State in Council on 7th June 1923 governing the leave and the leave-salary of Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur will be found in Government of India, Education and Health Department, No. 237, dated the 3rd August 1923, and No. 350, dated the 2nd November 1923.

**F. R. 96.** The only form of leave which may be granted to a Lieutenant-Governor, whether substantive or officiating, is leave on medical certificate for not more than six months. On resuming his duties after such leave, he may receive leave-salary equal to half his pay for the period of absence. If he does not resume his duties, he may draw the leave-salary to which he would have been entitled under rule 97 had he vacated his post before taking leave.

**†F. R. 97. (1)** When a Government servant, who has held the office of Governor, Lieutenant-Governor, or member of the Executive Council of the Governor General, or of a Governor or Lieutenant-Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V, if the duty rendered as Governor, Lieutenant-Governor, or member had been rendered, in one of the posts

\* This new rule was introduced with effect from the 1st May 1928.

† This revised rule was introduced with effect from the 28th September 1927.

to which these rules apply; and any leave which he has taken during his tenure of office shall be debited to his leave account in the same way as if he had taken leave on half average pay under these rules. His leave-salary will be subject to the maxima laid down in Rule 89.

\*(2) If leave is taken immediately on vacating any of the offices referred to in sub-rule (1), or the post of Chief Commissioner, Consulting Engineer to the Government of India, or Chief Engineer of the Public Works or Railway Department, or posts held by officers in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, the Government servant shall not retain, while on leave, a lien on the post which he has vacated, and, if he held such post substantively, may be left without a lien on any permanent post.

*Audit Instruction.*—In the case of the Government servants referred to in this rule, it is left to the discretion of the Government of India or the local Government, as the case may be, under which the Government servant is employed to give him a lien on another post or to leave him without a lien at all.

[Para. 35, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 98.** The following provisions apply to such holders of the posts enumerated below as are not members of the Indian Civil Service †subject to the special leave rules under Rule 75 :—

- (1) Judges of a Chief Court.
- (2) Chief Judges of Small Cause Courts of Presidency towns and of Rangoon.
- (3) The Secretary to the Government of India in the Legislative Department.
- (4) A Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces.
- (5) The Administrator-General, and Official Trustee in Bengal, Madras or Bombay.
- (6) The Administrator-General, Official Trustee, Official Assignee, and Official Receiver in Burma.
- (7) An Additional Judicial Commissioner of Sind or of the North-West Frontier Province.

Such Government servants are entitled to leave on the terms which apply to Judges of High Courts by rules made under Section 104 of the Act, subject, however, to the following modifications, namely :—

- (a) their leave-salary shall not exceed, while on ordinary furlough or on subsidiary leave, half average pay, and while on furlough on full allowance, average pay; and

\* This amended sub-rule has effect from the 3rd June 1930.

† The qualifying clause—subject to the special leave rules under Rule 75—was introduced with effect from the 23rd November 1926.



- (b) the holders of posts which have not been declared by the Local Government under Rule 82 (a) to belong to a vacation department are entitled in lieu of the leave credited to the furlough account of a High Court Judge under the Rules made under Section 104 because of his having been detained on duty as a Vacation Judge, to a credit in their leave account of a period equal to one-eleventh of the period of actual service performed.

*Audit Instruction.*—Proviso (a) of this rule does not override rule 16 of the High Court Judges (India) Rules, 1922, which prescribes the amount of leave salary payable during leave, but is to operate in addition to rule 16 of the High Court Judges Rules.

[Para. 37, Chap. X, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 99.** The following law officers are entitled to leave under the rules applicable to members of the Indian Civil Service, provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of Government :—

An Advocate General.

A Standing Counsel.

An Official Trustee or Assignee.

A Receiver of a High Court.

An officer of a High Court holding a post which by law can be held by a barrister only.

A Secretary or Assistant Secretary in the Legislative Department of a local Government.

A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs.

A Government Advocate or Assistant Government Advocate.

A Clerk of the Crown.

A Government Solicitor.

**F. R. 100.** The following provisions apply to military officers in civil employ who remain subject to military leave rules (other than military officers serving with such Frontier Irregular Corps as may be specified in this behalf by the Governor General in Council)\* and to non-commissioned officers in civil employ :—

- (a) A local Government may grant to such an officer leave of the following kinds :—

- †(i) Leave on average pay for four months at a time, not exceeding, in all, the privilege leave which it would be permissible to grant to him under the rules applicable to his case on the date on which he became subject to this Rule, plus  $\frac{1}{11}$ th of the duty performed by him from the beginning of the calendar year following that in which he became subject to this Rule :

\* The words—and to non-commissioned officer in civil employ—were introduced with effect from the 1st December 1925.

† This revised sub-clause has effect from the 4th December 1928.

Provided that, if privilege leave under military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year, duty counting for leave on average pay shall commence on the date on which he becomes subject to this Rule :

Provided further that, in the case of an officer who

### No. 21.

Page 127, F. R. 100—

Insert the following at the end of sub-clause (i) of clause (a) of this rule:—

“ Provided further that in the case of an officer serving in a vacation department the provisions of Rule 82 shall apply, *mutatis mutandis* to the calculation and grant of leave under sub-clause (i) above.”

(This amendment takes effect from 1st January 1922.)

[G. I., F. D., Correction No. 72 (F. R.), dated 13th November 1930.]

(No. 21, dated the 25th April 1931.)

previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clause (i) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

(b) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted.

Provided that, except in the case of an officer holding substantively a \*tenure post, no leave under sub-clause (ii) of clause (a) of this rule may be granted to an officer unless the local Government is prepared to re-employ him immediately upon the termination of the leave.

Provided also that in the case of an officer holding substantively a \*tenure post, leave under sub-clause (i) of clause (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

Government of India's decisions—

(1) The Government of India have had under consideration the question whether military officers with special war leave at their credit under Army Instruction, India, No. 106 of 1920, who are appointed substantively to the civil department, should be per-

\* The words “tenure post” were substituted for the words “permanent post for a fixed term” with effect from the 13th March 1930.

mitted to carry forward such leave when they enter civil employment. They have decided that such leave may, on their coming under the provisions of the Fundamental Rules, be credited to their leave account on condition that it is taken before 31st December 1922. Officers who have taken leave after 1st January 1921 may substitute for portion of it any special war leave which may become admissible to them as the result of these orders.

The Government of India have further decided with reference to Fundamental Rule 100, that military officers in civil employ who remain subject to military leave rules and who have earned privilege leave in excess of 4 months as a temporary war concession may be granted the concession strictly in accordance with the terms of Army Instructions, India, No. 106 of 1920.

[G. I. F. D. letter No. 1174-C. S. R., dated 16th Oct. 1922.]

(2) Leave on average pay extending beyond the term of civil appointment is not admissible to military officers holding civil appointments of limited tenure even though the military authorities may agree to the grant of leave.

[G. I. F. D. letter No. F-314-C. S. R.-26, dated 11th Oct. 1926.]

(3) F. R. 100 as amended by Government of India, Finance Department, Notification No. F./136-I.-R.-I./28, dated 8th January 1929, i.e., the sub-clause (i) of clause (a), should regulate the leave taken on or after the 4th December 1928 by all military officers subject to this rule, irrespective of the date of their transfer to the Civil Department. The words 'An Officer's claim to leave is regulated by the rules in force at the time the leave is granted' occurring in sub-paragraph 2 of Article 4 of the Civil Service Regulations, refer to the officer's 'claim to leave', which includes the earning of leave, the method of calculation, the admissibility of the leave and its grant. The leave account must be revised as soon as a rule regulating the method of calculation is amended, and subsequent leave granted according to the amended rule.

### No. 67.

Page 128, F. R. 100—

Insert the following as item (4) of "Government of India's decisions" under this rule:—

"(4) *Vide* Government of India's decision below F. R. 61 as inserted by correction slip No. 66, dated the 25th April 1931."

(No. 67, dated the 25th April 1931.)

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... out of India under conditions, declared by the Governor General in Council to be quasi-European, if the period of the deputation exceeds one year:—

(a) The period of deputation shall not count as duty for the purposes of this Chapter.

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\* This new rule was introduced with effect from the 20th October 1926.

**\*(b)** The amount of leave which can be earned by the deputation shall be determined by the Secretary of State in Council. Such leave can only be taken during the period of deputation and will not be credited or debited in the Government servant's leave account.

**(c)** Leave salary during such leave shall be equal to the rate of deputation pay.

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year these provisions shall apply in respect of the period in excess of one year.

**F. R. 101.** A local Government may make rules regulating the grant to Government servants under its control of—

**(a)** maternity leave to female Government servants; and

**(b)** leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

*[For rules made by the Governor General in Council under Fundamental Rule 101 in his capacity as a local Government, see Supplementary Rules 267 to 273.]*

**F. R. 102.** A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

*[For rules made by the Governor General in Council under Fundamental Rule 201 in his capacity as a local Government, see Rules 274 and 275.]*

## No. 26.

*Page 129, F. R. 103—*

*Substitute the word “ honoraria ” for the word “ fees ” in line 2 of clause (c) of this rule.*

*(This amendment takes effect from 9th December 1931.)*

*[G. I., F. D., Notification No. F-3 (57)-R. I/29, dated 10th January 1931.]*

## No. 128.

*Page 129, F. R. 103—*

*Read “ 9th December 1930 ” for the existing date of effect quoted in Correction No. 26, dated the 25th April 1931 to this rule.*

*(No. 128, dated the 25th August 1931)*

*Government of India's orders.*—The Governor General in Council has decided that Fundamental Rule 103 enables him to make rules determining the extent to which, and the conditions under which, uninterrupted temporary service in the Military Department followed by confirmation in the Civil Department may count for leave under the Fundamental Rules, and that Supplementary Rule 286 may be regarded as a rule framed under Fundamental Rule 103.

[Ar. G.'s letter No. 161-A./10-28, dated 24th May 1928.]

**F. R. 104.** During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows :—

- (a) If appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom to posts created temporarily with the prospect, more or less definite, of becoming permanent;—
  - (i) to such leave as is prescribed in their contracts, or, when no such prescription is made,
  - (ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts; or
  - (2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay; and
- (b) if appointed otherwise, to such leave as is admissible under rules framed on this behalf by the local Government, subject to the proviso in rule 103.

[For rules made by the Governor General in Council under Fundamental Rule 104 (b) in his capacity as a local Government, see Supplementary Rules 291 and 292.]

[For Administrative Instructions issued by the Governor General in Council regarding "Grant of Leave to Probationers and Apprentices," see Part V (1) of Appendix 3.]

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Chapter XI.—Joining time.

**F. R. 105.** Joining time may be granted to a Government servant to enable him—

- (a) to join a new post to which he is appointed while on duty in his old post; or
- (b) to join a new post,—
  - (i) on return from leave on average pay of not more than four months' duration, or
  - (ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i); or
- (c) to travel from the port of debarkation and organize his domestic establishments when he returns from leave out of India of more than four months' duration; or
- (d) on departure on or return from leave, to proceed from or to the place at which he is posted to or from specified stations, when the place concerned is in a remote locality which is not easy of access.

\*Provided that joining time shall not be allowed for the purposes specified in paragraph (c) or paragraph (d) to any person to whom Rule 93 applies.

*Government of India's decisions—*

(1) Under the existing system, a General Service Telegraphist selected for training in Wireless Telegraphy, is first sent to Calcutta for a preliminary training of 3 months and is then required to undergo a practical course of training for another 3 months at any of the Wireless stations. On the successful completion of his course, he is permanently transferred for employment to the Wireless Branch. It has been decided by the Government of India that the telegraphist may be granted joining time at his old station calculated on the journey to Calcutta and not at the place of his training from which he is finally posted to a wireless station.

[Ar. G.'s No. 1274-A./487-23, dated 24th Dec. 1923.]

(2) A person held a temporary post at Madras up to 22nd November 1922, on which date the temporary post was abolished. Meanwhile, he had applied for a temporary post at Delhi and the offer of the new post was communicated to him through his official superior for the time being while he was on duty in his old post. He joined the new post at Delhi on 1st December 1922. It was decided by the Auditor General, with the concurrence of the Government of India, that under F. R. 105 (a), joining time is admissible in this case.

[Ar. G.'s No. 460-A./93-24, dated 10th July 1924.]

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\* The proviso takes effect from 9th March 1926—*vide* F. D. correction No. 21, dated 22nd April 1926.

*Audit Instructions—*

(1) If a Government servant is authorized to make over charge of an office elsewhere than at its headquarters, any joining time to which he may be entitled shall be reckoned from the place at which he actually makes over charge.

[Para. 1, Chap. XI, Sec. I of Manual of Audit Instructions (1926).]

(2) The intention of sub-clause (i) of Fundamental Rule 105 (b) is that joining time should be allowed to those Government servants who are granted privilege leave or leave on average pay for not

**No. 96.**

*Page 132, F. R. 105—*

*Insert the following as item (9) of “ Audit Instructions ” under this rule:—*

“(9) Joining time under F. R. 105 (c) is admissible to military officers in civil employ on their return from military furlough out of India.”

[Para. 5D, Chapter XI, Sec. I of Manual of Audit Instructions (1926).]

(No. 96, dated the 25th June 1931.)

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~~141. In the case of a Government servant returning from leave out of India for a period exceeding four months' duration, the termination of his leave is governed by F. R. 68 and the joining time for the journey (a) from the port of disembarkation to the 'fixed point' and (b) from the 'fixed point' onwards is governed by the Supplementary Rules framed under Fundamental Rule 105 (c) and Fundamental Rule 105 (d) respectively. The Government servant should be paid under Fundamental Rule 107 (b) for the portion of the joining time regulated under Fundamental Rule 105 (c) and under Fundamental Rule 107 (c) for the portion regulated under Fundamental Rule 105 (d).”~~

**No. 47.**

*Page 132, F. R. 105—*

*Insert the following as item (8) of “ Audit Instructions ” under this rule:—*

“(8) A Government servant who returns from leave of not more than four months' duration and who is reported to the same 'remote locality' from which he proceeded on leave must reach the 'fixed point' within the period of his leave and joining time for the journey from the 'fixed point' onwards is governed by the Supplementary Rules framed under Fundamental Rule 105 (d).”

If the Government servant returns from leave out of India for a period exceeding four months' duration, the termination of his leave is governed by F. R. 68 and the joining time for the journey (a) from the port of disembarkation to the 'fixed point' and (b) from the 'fixed point' onwards is governed by the Supplementary Rules framed under Fundamental Rule 105 (c) and Fundamental Rule 105 (d) respectively. The Government servant should be paid under Fundamental Rule 107 (b) for the portion of the joining time regulated under Fundamental Rule 105 (c) and under Fundamental Rule 107 (c) for the portion regulated under Fundamental Rule 105 (d).”

[Manual of Audit Instructions (1926), No. 149.]

(No. 47, dated the 25th April 1931.)

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partment, and returned to Meerut as unfit, should be considered to be on joining time during his absence on transfer and re-transfer.

[Ruling (34), Sec. IV of Compilation of Audit Rulings.]

**F. R. 106.** A local Government may make rules regulating the joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (d) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

[For rules made by the Governor General in Council under Fundamental Rule 160 in his capacity as a Local Government, see Supplementary Rules 293 to 306A.]

**F. R. 107.** A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows:—

- (a) If on joining time under clause (a) of rule 105, he is entitled to the pay which he\* would have drawn if he had not been transferred, or the pay which he will draw on taking charge of his new post, whichever is less.

[See Audit Instructions under F. R. 20.]

- (b) If on joining time under clause (b) or (c) of rule 105 he is entitled—

(i) when returning from extraordinary leave, other than

No. 129.

Page 133, F. R. 107—

Insert the following as an "Auditor General's decision" under this rule:—

"*Auditor General's decision.*—A military commissioned officer subject to the civil leave rules is entitled during joining time under clauses (b) and (c) of Fundamental Rule 105, to leave-salary at the rate prescribed for payment of leave-salary in India subject to the Military minimum prescribed for leave spent in India, *vide* Note 2 read with Note 1 under Fundamental Rule 90, i.e., at the rates in paragraph 65 (iv) of the Pay and Allowance Regulations for the Army in India, Part II."

[C. C. A.'s letter No. T.-649-A./98-31, dated the 18th July 1931.]

(No. 129, dated the 25th August 1931.)

- (c) If on joining time under clause (d) of rule 105, he is entitled to pay as though he were on duty in his post.

**NOTE 2.**—A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests. A transfer made in consequence of his own misbehaviour does not fulfil this condition.

\* The words "would have drawn if he had not been transferred" have been substituted for the words "drew prior to relinquishing charge of his old post" with effect from the 11th September 1929.



*Audit Instruction.*—No extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant until the transfer is complete, but as far as ordinary pay and allowances are concerned, on the date of transfer.

### No. 46.

Page 134, F. R. 107—

*Substitute* the following for the last sentence of the substantive portion of the 'Audit Instruction' under this rule:—

“While so taking over charge, the relieving Government servant will draw

- (i) if he is transferred from a permanent post, his presumptive pay in that post,
- (ii) if he is transferred from an officiating post, the officiating pay admissible in that post provided it is not more than the pay he would draw after the transfer is complete; otherwise, his presumptive pay in the permanent post on which he had a lien prior to transfer,
- (iii) if he returns from leave, the pay last drawn in the post on which the Government servant retained a lien during the leave.”

[Manual of Audit Instructions (1926), No. 148.]

No. 46, dated the 25th April 1931.]

### No. 91.

Page 134, F. R. 107—

*Insert* the following as Note 2 to the “Audit Instruction” under this rule, the existing Note thereunder being numbered 1:—

“NOTE 2.—This Audit Instruction is also applicable to the Telegraph Department, the Head of Circle taking the place of the Superintending Engineer.”

[Manual of Audit Instruction (1926) No. 166.]

(No. 91, dated the 25th May 1931.)

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post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

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\* This new rule was introduced with effect from the 11th March 1925.

## PART VII.

## Chapter XII.—Foreign Service.

**F. R. 109.** The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

*Government of India's decisions—*

(1) The rules in Chapter XII of the Fundamental Rules apply to those Government servants only who are transferred to foreign service after the 1st January 1922. Those transferred previously remain subject to the rules in force at the time of transfer. Government servants of the latter class are, however, entitled to take the benefit of the other rules in the Fundamental Rules and will be adjudged to have elected to do so if they do not exercise the option given by Fundamental Rule 58. To cover cases in which such Government servants come under the new leave rules it has been ruled:—

- (1) that their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary, and
- (2) that the existing obligation of foreign employers to pay a portion of leave allowances during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

[G. I. F. D. Res. No. 35-E. B., dated 18th Jan. 1922, and para. 1, Chap. XII, Sec. I of Manual of Audit Instructions (1926).]

(2) The Government of India have decided that this rule applies only to the original period beginning before and terminating after the 1st January 1922, for which the services of Government servants were transferred to foreign service. Any further extension should be treated as a fresh transfer and governed by the Fundamental Rules. The same principle will apply as to the date from which the rates of contribution will apply, as prescribed in Government of India, Finance Department letter No. 64-E. B., dated the 27th January 1922. (*Vide* entry below Fundamental Rule 116.) The terms of extensions commencing after 1st January 1922 already sanctioned will not be affected by this order unless the foreign employer was specifically warned of the liability to revision.

[G. I. F. D. No. 1931-C. S. R., dated 17th Aug. 1923.]

**F. R. 110. (a)** No Government servant may be transferred to foreign service against his will.

**(b)** A transfer to foreign service outside India may be sanctioned by the Governor General in Council.

**NOTE.**—The Government of Madras is authorised to transfer to service in Ceylon any Government servant other than a member of an all-India service.

(c) Subject to any restrictions which the Governor General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the local Government under which the Government servant transferred is serving.

*Audit Instructions—*

(1) For the purpose of the 'Foreign Service' rules, Nepal should be treated as outside India. This decision takes effect from the 23rd February 1927.

[Para. 2A, Chap. XII, Sec. I of Manual of Audit Instructions (1926).]

(2) The Government which would be entitled to recover pension contribution on behalf of a Government servant lent to foreign service should be regarded as the local Government competent to sanction his transfer to foreign service for the purpose of Fundamental Rule 110 (c).

[Para. 2B, Chap. XII, Sec. I of Manual of Audit Instructions (1926).]

*Audit Ruling.*—The sanction of the Government of India is necessary to the deputation of Government servants to Mesopotamia and East Africa and that of the Secretary of State to the delegation of this power to a Local Government.

[Ruling (35), Sec. IV of Compilation of Audit Rulings.]

**F. R. 111. A transfer to foreign service is not admissible unless—**

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and
- (b) the Government servant transferred holds, at the time of transfer, a post paid from general revenues or holds a lien on such a post.

*Government of India's decision.*—Under this rule, the transfer of a temporary Government servant to foreign service is permissible.

[G. I. F. D. No. F./66-C. S. R., dated 22nd July 1924.]

*Government of India's orders.*—If in any case a proposal is made that a Government servant should be lent to a private undertaking, it is necessary that the principles of this rule should be applied most rigorously, and generally the loan of a Government officer to a private undertaking should be regarded as a very exceptional case requiring special justification.

[G. I. F. D. No. F.—I. (i) R. I./30, dated the 17th January 1930.]

**F. R. 112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.**

*Government of India's decisions—*

(1) The Government of India have decided to accept the suggestions made by the Secretary of State with regard to the application

of foreign service rules to officers accepting employment under an Indian State, while on leave preparatory to retirement.

*Extract from the Secretary of State's Despatch, Financial No. 4, dated the 22nd February 1923, to the Governor General in Council.*

" . . . . . The suggested treatment of service in an Indian State in the case of an officer on leave preparatory to retirement on proportionate pension as foreign service while the time so spent is simultaneously regarded as leave, would not be in accord with the spirit and intentions of the Foreign Service procedure. Further, it would ordinarily have the effect of increasing the officer's difficulties in obtaining fresh employment. . . . . I think therefore that the service in question, if permitted by you, should be treated as being private employment, unless in any special case the circumstances are such that the Government of India think it right to treat the officer as one for whom an alternative career has been found by them. . . . . In the latter case the officer would not be on leave the service should be treated as foreign service, counting for pension, contribution should be taken from the State concerned, and the proportionate pension should remain in suspense."

" 2. I would treat officers about to retire on ordinary pension on similar lines, *i.e.*,—

- (a) in the usual case (*e.g.*, that of an officer who has reached or is approaching the age of superannuation) the officer, notwithstanding his employment, with your permission in an Indian State, should be allowed to take any leave which would be admissible to him had he not accepted such employment, and pension contribution should not be required.
- (b) in exceptional cases, which in the opinion of the Government of India justify such a course, acceptance of the employment might be made conditional on the officer remaining in their service and being placed on the usual foreign service terms."

[G. I. F. D. No. 602-C. S. R., dated 26th April 1923, and enclosure.]

(2) The decision communicated in the correspondence with the Secretary of State referred to above may be taken as applying to all foreign service, and not only to service in an Indian State.

[G. I. F. D. No. 957-C. S. R., dated 13th June 1923.]

*Auditor General's decision.*—Foreign service of any kind (whether in India or out of India) during leave preparatory to retirement should be treated as "private employment" for the purpose of Fundamental Rule 112, *i.e.*, an officer who has reached or is approaching the age of superannuation, notwithstanding his em-

ployment under a foreign employer, should be allowed to take leave which would be admissible to him had he not accepted such employment, and pension contribution should not be required. The reason for the above is the Secretary of State's desire to facilitate the securing of post-pension employment of Government officers.

[Ar. G.'s letter No. 701-A./189-23, dated 8th June 1923.]

**F. R. 113.** A Government servant transferred to foreign service will remain in the cadre in which he held a post prior to his transfer, and may be given such substantive or officiating promotion in that cadre as the authority competent to order promotion may decide. In giving promotion, such authority will take into account—

- (a) the nature of the work performed in foreign service, and
- (b) the promotion given to juniors in the cadre.

**F. R. 114.** A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the Governor General in Council may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

[For orders issued by the Governor General in Council under this rule, see Appendix II.]

*Government of India's decisions—*

(1) The Government of India have had under consideration the question whether, if an officer on foreign service in India is sent by his employer out of India on duty, the nature of his employment should be considered to have been changed, and he should be treated as on foreign service out of India for the period in question. It has been decided with the concurrence of the Auditor-General that the service in question should continue to be treated as foreign service in India, but both in this case and in the converse case of an officer on foreign service out of India deputed by his employer to India on duty, who similarly continues to be on foreign service out of India, the fact of the officer's being so deputed should be brought to the notice of the lending authority as it might be necessary to reconsider the question of his emoluments.

[G. I. F. D. No. 1010-E. B., dated 21st Aug. 1922.]

(2) The Government of India have had under consideration the question of the possibility of officers transferred to foreign service being admitted to the concession of sterling overseas pay to which they would have been entitled under the Superior Civil Services Rules, had they not been so transferred. After due consideration they have decided that it is impossible to express any part of the pay of an officer on foreign service in sterling. The question whether such officers should be given a corresponding increase in

their rupee pay is one for settlement in each case in consultation with the foreign employer. If it is decided, after such consultation, that an increase should be granted, the calculation of the rupee value of a sterling pay will be made at the current rate of exchange (*vide* Art. 343, Account Code) on the date the officer is transferred to foreign service. In the case of officers already in foreign service, the rate will naturally be the rate on the date with effect from which their pay is revised.

It is understood that in certain cases the pay of officers in foreign service is fixed as the pay they would receive in Government service or such pay *plus* a certain percentage thereof. In such cases, the Government of India consider that the foreign employer can equitably be called upon to pay the equivalent of sterling overseas pay according to the terms of the arrangement, though even in such cases his concurrence should be obtained. The sterling pay will then be converted monthly to rupees at the "current rate."

[G. I. F. D. letter No. F./211-C. S. R./25, dated 6th July 1925.]

(3) Paragraph 2 of Government of India decision (2) above should be taken as applicable to all cases in which the pay of an officer in foreign service is fixed as the pay which he would receive from time to time in Government service or the pay of a post in Government service, with or without an addition thereto in the form of a percentage of such pay  $\frac{\text{and}}{\text{or}}$  of a fixed sum.

The decision that overseas pay should not be paid in sterling was based mainly on a consideration of the complications which would arise from an accounts point of view if Government were to make payments in sterling through the High Commissioner for India and recover the amount from the foreign employers. If, however, a foreign employer prefers to make his own arrangements to disburse the overseas pay in sterling and the employee agrees to it, the Government of India have no objection to the adoption of such a procedure; in that case, for the purpose of calculating contribution, the amount paid in sterling should be converted to rupees at the "current rate of exchange."

[G. I. F. D. letter No. F./221-C. S. R.-25, dated 19th Jan. 1926.]

(4) Where the pay during foreign service of an officer who is entitled to the passage concessions under Schedule IV to the Superior Civil Services (Revision of Pay and Pension) Rules, 1924, is fixed as the pay which he would receive from time to time in Government service with or without an addition thereto in the form of a percentage of such pay  $\frac{\text{and}}{\text{or}}$  of a fixed sum, the foreign employer is liable to pay, in addition to the pay originally fixed and the sterling overseas pay or its equivalent in rupees, passage pay at the rate of Rs. 50 per mensem, with effect from the 1st April 1924.

The Passage Fund has been abolished with effect from the 1st April 1926 but foreign employers will continue to be liable to pay

Rs. 50 per mensem in the case of officers referred to above as their share of the cost of free passages. \* \* \* Where, however, no recovery has been made till now, recovery should be made only from the month in which intimation is made to the foreign employer.

The Governor General in Council has under separate considera-

### No. 105.

Page 140, F. R. 114—

Insert the following as item (5) of the "Government of India's decisions" under this rule:—

"(5) The Governor General in Council considers that the liability on account of the Passage concessions to non-Superior officers of non-Asiatic domicile under the Central Government under the rules promulgated in the Government of India, Home Department, Memorandum No. F-10/4/30-Ests., dated the 6th August 1930, in respect of those officers on foreign service who are admitted to them is one which should legitimately be borne by the foreign employers. He has, therefore, decided that a contribution, fixed provisionally at the rate of Rs. 30 per mensem, should be levied, with effect from the 1st April 1931, from all foreign employers under whom such officers may be serving. The contribution will be payable throughout the officer's service under the foreign employer, *i.e.*, whether he is on duty or on leave. It will not, however, be payable in the case of those officers in whose case it has been agreed between Government and the Foreign employer that the officer shall receive passage benefits from the foreign employer in respect of the period of his foreign service.

If the services of officers admitted to these passage concessions are transferred from a Civil Department to the Military Department or from a commercial to non-commercial department or *vice versa*, or from the Central to Provincial Government, adjustments should be made, in respect of such officers, on the basis of the Foreign Service rate of contribution, and the procedure adopted for the purpose should be the same, *mutatis mutandis*, as laid down in rule 22 of the Rules for the Accounting and Auditing of the Passage concessions contained in Appendix 15, Audit Code, Volume II."

[G. I., F. D., No. F. 1 (9)-R. I/31, dated 31st March 1931.]

(No. 105, dated the 25th June 1931.)

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Government contribution to the credit of a provident fund.

**NOTE 2.**—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.

[For Administrative Instructions issued by the Governor General in Council regarding "Procedure for Payment of Contribution" see Part VI (a) of Appendix No. 3.]

\* This revised rule has effect from the 5th September 1928.

*Government of India's decision—*

For the purposes of the rules communicated in Government of India, Finance Department, letter No. 479-C. S. R., dated the 15th April 1921, and in supersession of the rule in Article 774, Civil Service Regulations, the pension contributions recovered on behalf of an officer in foreign service will in all cases be credited to and the foreign service treated as service under the Government (Central or Provincial) under which he was permanently employed at the time of his transfer to foreign service.

This decision will apply to all foreign service rendered from and after the 24th October 1921, the pension contributions received in respect thereof being adjusted accordingly by the local Accountant General.

Foreign service rendered prior to the 24th October 1921 will perforce require to be treated as service under the Government which has already received the contributions, and the ultimate apportionment of pensionary charges in certain cases will be worked out accordingly under the rules promulgated with the letter under reference.

The principles enunciated above shall also apply to the contributions recovered towards the leave-salary of officers on foreign service in India. That is, all such contributions received in respect of foreign service rendered from and after the 24th October 1921 will be credited to the Government (Central or Provincial) under which the officers were permanently employed at the time of their transfer to foreign service and all those received in respect of foreign service rendered prior to that date will remain on the books of the Government which has already received them. The foreign service will thus be treated as service for leave under the Government which has received the contributions and such Government will bear its share of leave-salary in accordance with the last paragraph of the rules promulgated with the letter under reference.

[G. I. F. D. No. 1255-E. B., dated 24th Oct. 1921, and No. 1316-C. S. R., dated 22nd Nov. 1922.]

*Auditor General's decision.*—In the case of officers transferred to foreign service prior to the introduction of the Fundamental Rules who remain under the foreign service rules in the Civil Service Regulations but have elected to come under the new (Fundamental) leave rules, the first four months of leave on average pay or such a longer period as may be admissible to these officers as privilege leave under the rules previously in force should, for the purposes of Articles 765 (b) and 779, Civil Service Regulations, be treated as corresponding to privilege leave.

[Ar. G.'s No. 1078-A.—3523-23, dated 29th Oct. 1923.]

**\*F. R. 116.** The rate of contributions payable on account of pension and leave-salary shall be such as the Governor General in Council may by general order prescribe.

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\* This revised rule has effect from the 5th September 1923.



*[The rates of contributions prescribed by the Governor General in Council, with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A.]*

*Government of India's orders—*

(1) For the Indian Civil Service, the Government of India are pleased to fix, under (old) Fundamental Rule 117 (New F. R. 116), the following rates of contribution :—

(i) For pension only—25 per cent. of pay actually drawn in foreign service.

(ii) For leave-salary and pension—40 per cent. of pay actually drawn in foreign service.

These rates will come into force with effect from the date of this letter and will be leviable in the case of all officers of the Indian Civil Service who are transferred to foreign service on or after the date of receipt of this letter.

The Government of India are further pleased to fix for the contributions of military officers in foreign employ the rates prescribed above for the Indian Civil Service. In the case of military officers, the rates are fixed provisionally as a temporary measure, pending the completion of certain calculations which are as yet unfinished.

Revised rates of contribution for other services are still under consideration. When they have been calculated, the Government of India propose to bring them into force with effect from the date of this letter. It is requested, therefore, that all foreign employers who apply for the services of Government servants after the date of receipt of this letter may be informed that they will be required to make good, with retrospective effect, the difference between the existing rates of contribution and the rates which may ultimately be fixed by the Government of India under (old) Fundamental Rule 117 (New F. R. 116).

[G. I. F. D. No. 64-E. B., dated 27th Jan. 1922.]

(2) The rates of contribution to be recovered in respect of officers transferred to foreign service on or after the 1st January 1922, and before the 27th idem will be those prescribed in Article 770, Civil Service Regulations.

[G. I. F. D. No. 80-E. B., dated 1st Feb. 1922.]

(3) The Governor General in Council has decided that in the case of officers transferred to foreign service *after* the date of this Resolution, to whom the Fundamental Rules do not apply, the rules regarding contributions for leave-salary and pension shall be the same as those applicable to Government servants whose employment on foreign service is governed by the Fundamental Rules. For the purpose of this Resolution, a transfer to foreign service includes an extension of the term of employment of an officer who is already on foreign service.

[G. I. F. D. Res. No. 323-C. S. R., dated 28th Feb. 1924.]

(4) In paragraph 4 of Government of India, Finance Department, letter No. 64-E. B., dated the 27th January 1922, it was stated that revised rates of contribution *for services other than the Indian Civil Service* were under consideration and, when calculated, will be brought into force with effect from the date of that letter. These calculations have now been made and the Government of India have fixed, under (old) Fundamental Rule 117 (New F. R. 116), the following rates of contributions for other services:—

When leave- salary is paid by Govern-	When leave salary is paid by the Foreign
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## No. 121.

Page 143, F. R. 116—

Insert the following as item (6) of "Government of India's orders" under this rule:—

"(6) *Pension contribution payable in respect of officers of the Government of India employed under the Iraq Government—*

(i) In the case of all officers of the "Superior" services, except those who were first lent to the Iraq Government subsequent to 27th January 1922 the revised 1929 rates (Appendix 11-A) shall apply from 31st July 1923. In the case of those officers who were first lent to Iraq after 27th January 1922 the 1929 revised rates (Appendix 11-A) shall apply from the date they first joined Iraq's service.

(ii) In the case of non-superior officers who have already retired from Iraq's service without reverting to duty in India, or who may so retire before 1st September 1930, the rates actually levied from 1st August 1923 to 28th February 1929, shall stand, except that Rs. 1,000 per mensem shall be fixed as the limit of pay on which contributions at the fundamental rules rates shall be calculated.

(iii) That in the case of non-superior officers other than those 12½ per cent. of the pay drawn by the officers from the Iraq Government shall apply from 1st August 1923, subject to the condition that pay for this purpose shall not in any case be taken at more than Rs. 1,000 per mensem.

(iv) In all cases in respect of the period from 27th January 1922 until 31st July 1923 inclusive, the old Civil Service Regulations rates (i.e., those in force prior to the introduction of the Fundamental Rule rates) shall apply, except in the case of officers who are lent to Iraq for the first time after 1st January 1922.

NOTE.—By "Superior" Services in this connection is meant the All-India and Class I Central Services, and the commissioned ranks of the Indian Army and the Royal Indian Marine, and by "Non-Superior" Services all other Indian Government servants employed in Iraq."

[India Office letter No. F.1204/31, dated 17th March 1931, received with the G. I., F. D., letter No. F. 81-R. I/24, dated 4th June 1931.]

(No. 121 dated 1/1/23)

servant is extended, it should be stipulated that the contributions for pension and leave salary or for pension alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with the orders issued by the Governor General in Council under F. R. 116. Similarly, if the officer is on non-pensionable footing and subscribing to a contributory provident Fund, and if he is allowed to retain this privilege while in Foreign Service, the orders should specify the arrangement made with reference to paragraph 7 of the Resolution of the Government of India in the Finance Department, No. F. 81-R. I./24, dated the 11th February 1929 (Appendix 11-A), and state that these will be subject to amendment consequent upon any revision of the orders contained in that paragraph.

[Para. 5, Chap. XII, Sec. I of Manual of Audit Instructions (1926).]

**\*F. R. 117. (a)** The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.

**(b)** The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave-salary admissible, the pay drawn in foreign service, less, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9 (2).

*[The rates of contributions prescribed by the Governor General in Council, with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A.]*

*Government of India's orders.*—As some doubt appears to exist regarding the pay on which the leave-salary and pension of an officer on foreign service, whose pay on foreign service exceeds the maximum limits prescribed for levy of contribution in Government of India, Finance Department, letter No. F-81-C. S. R.-24, dated 4th August 1924 (*vide* entry below Fundamental Rule 116), it is explained that the maxima laid down in that letter do not affect the liability of Government to pay leave-salary and pension based on "pay drawn in foreign service, less such part of it as may be paid as contribution," as laid down in (old) Fundamental Rule 116 (New F. R. 117).

[G. I. F. D. letter No. F-322-C. S. R.-25, dated 4th Nov. 1925.]

#### *Auditor General's decisions—*

(1) The orders in Government of India, Finance Department, Resolution No. 35-E. B., dated the 18th January 1922 (*vide* entry below Fundamental Rule 109) were not intended to place officers who were transferred to foreign service before 1st January 1922 and

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\* This revised rule has effect from the 5th September 1928.

who have elected to come under the new leave rules, in a better position in the matter of leave salary than those transferred to foreign service subsequently. What was intended is that the principle of the rules in (old) Fundamental Rule 116 (New F. R. 117) should be applied to both cases of officers. The expression "their pay in foreign service" in clause (1) of the Resolution should therefore be taken as meaning "the pay drawn in foreign service less such part of it as may be paid as contribution."

In the case of officers who are exempted from the payment of contribution, leave-salary should be based on the actual pay in foreign service without regard to contribution, which would have been paid but for the exemption.

[Ar. G.'s No. 617-A./136-22, dated 7th Sept. 1922.]

(2) Under (old) Fundamental Rule 116 (New F. R. 117), contribution is to be calculated on the pay actually drawn by the employee in foreign service excluding that part of it which represents contribution.

[Ar. G.'s No. 945-A./K. W. 66-22, dated 1st Sept. 1923.]

(3) In the case of officers transferred to foreign service prior to the introduction of the Fundamental Rules who remain under the foreign service rules in the Civil Service Regulations but have elected to come under the new (Fundamental) leave rules, leave-salary should be based on the actual pay in foreign service where the contribution is paid by the foreign employer in addition to the officer's pay.

[Ar. G.'s No. 975-A./3524-23, dated 17th Sept. 1923.]

*Accountant General's decision.*—Pay drawn in Foreign Service, less contribution, should be taken into account in calculating average emoluments for the purpose of pension, if contribution for pension is recovered from the employee. When, however, the contribution is paid separately by the foreign employer in addition to the pay of the employee, no deduction on account of contribution should be made from his foreign service pay for the purpose of such calculation.

[A. G. P. & T.'s No. Mis. 360/D.-109-II, dated 10th May 1927.]

**F. R. 118.** *Deleted.* [With effect from the 31st December 1929.]

**F. R. 119.** Subject to any general orders of the Governor General in Council, a local Government sanctioning a transfer to foreign service may—

- (a) remit the contributions due in any specified case or class of cases, and
- (b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

*Government of India's orders.*—The Government of India do not propose to issue any order under Rule 119 (a).

[G. I. F. D. No. 1360-E. B., dated 10th Dec. 1921.]

[*For rule made by the Governor General in Council, in his capacity as a Local Government, under Fundamental Rule 119 (b), see Supplementary Rule 307.*]

**F. R. 120.** A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

**F. R. 121.** A Government servant transferred to foreign service may not, without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service.

**F. R. 122.** A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

[*For Administrative Instructions issued by the Governor General in Council regarding Leave and the Grant of Leave to Government servants in Foreign Service in India " see Part VI (2) of Appendix 3.*]

**\*F. R. 123. (a)** A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

**(b)** In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant, if the foreign employer pays to general revenues leave contribution at the rate prescribed under Fundamental Rule 116.

**F. R. 124.** A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a

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\* This revised rule has effect from the 5th September 1928.

lien and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

**F. R. 125.** A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Local Government on whose establishment he is borne may decide.

*Government of India's decision.*—(1) When a Government servant on foreign service in or out of India applies for leave preliminary to retirement, coupled with permission to remain in the service of the foreign employer, leave may be granted only on the condition that the Government servant's reversion to Government service will, under F. R. 125, take effect from the date of taking leave. He will then get the concession of adding leave salary from Government to pay drawn from the foreign employer, just as if he had been permitted to take up private employment during leave preliminary to retirement, but he will not be able to increase his pension, because his pension will thereafter be calculated on the pay which he would have got on resuming duty in Government service. The question of the Government servant's reversion to Government service need not be pressed if he agrees not to continue to work under the foreign employer for the period of leave; that is, he may have leave without reverting to Government service, and may have his pension calculated on the pay which he would have drawn on foreign service.

Where, however, a Government servant has been on foreign service whether in or out of India for a considerable period, a claim to be granted by Government leave preparatory to retirement and to draw leave salary in respect of such leave should be carefully scrutinised and such leave should not ordinarily be granted on the principle that leave preparatory to retirement may be justified in cases where a Government servant desires to establish himself in new conditions and possibly in new employment but cannot be justified where he is already well established by length of service in employment on foreign service.

[G. I. F. D. No. F-I-XIX-C. S. R./27, dated 2nd June 1927.]

**F. R. 126.** When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

**F. R. 127.** When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules :—

- (a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the

case may be, and shall not vary with the actual expenditure of any month.

- (b) The cost of the service shall include contributions at such rates as may be laid down under Rule 116\*, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) A local Government may reduce the amount of recoveries or may entirely forego them.

*Government of India's orders—*

(1) In consequence of the amendment of *old* Fundamental Rules 116 and 117, the words 'Rule 117' in F. R. 127, should have been altered to 'Rule 116' with effect from the 5th September 1928 and steps will be taken to have this amendment made as early as possible. Pending the amendment, the rates of contributions to be levied under F. R. 127 shall, with effect from the 5th September 1928, be those prescribed under *new* F. R. 116.

[G. I. F. D. letter No. F. 1-XI. R. I./29, dated 17th May 1929.]

(2) As regards pension contribution, the Governor General in Council has decided that in the case of members of the Indian Civil Service, the amount to be recovered as contribution should be the average of the rates prescribed in columns 2 and 3 of the first table in the Annexure to the Government of India, Finance Department, Resolution No. F-81-R. I./24, dated the 11th February 1929 [Section I of the Annexure to the Appendix 11-A], and in the case of members of other Superior Services, the average of the rates laid down in columns 4 and 5 of that table.

In the case of members of <sup>Provincial</sup><sub>Subordinate</sub> Services, a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages, laid down in column <sup>(2)</sup><sub>(3)</sub> of the table in Section II of the Annexure to the Appendix 11-A, should be levied as contribution.

As regards contributions for leave salary, the rate to be applied in calculating the amount to be levied as contribution should be the average of the rates prescribed for officers subject to the special and ordinary leave rules.

[G. I. F. D. No. F.—1—XI-R. I./29, dated the 17th June 1929 and even No. dated the 4th September 1929.]

(3) (a) The additions made before the 1st August 1913 are subject to the rates prescribed in the original Fifth Edition of the Civil Service Regulations even though the incumbents may change or any further additions be made to the additional establishment—*vide* Note 3 to Article 783, Civil Service Regulations.

\* The words "Rule 116" have been substituted for the words "Rule 117" with effect from the 31st December 1929.

(b) The rates of contributions applicable to the additions made on or after the 1st August 1913 and before the 27th January 1922, are those prescribed in Articles 769 and 770, Civil Service Regulations (Fifth Edition—Reprint), irrespective of any change of incumbents or further additions to the additional establishment.

(c) The additions made on or after the 27th January 1922, are subject, up to the 28th February 1929, to the rates laid down in Government of India, Finance Department, letters No. 64-E. B., dated the 27th January 1922, and No. F. 81-C. S. R./24, dated the 4th August 1924 [*vide* items (1) and (4) of 'Government of India's orders' under F. R. 116], and thereafter to the rates announced in Government of India, Finance Department, Resolution No. F. 81-R. I./24, dated the 11th February 1929 [*vide* Appendix 11-A] or any revised rates which may be prescribed from time to time.

(d) In all cases, renewal of sanctions to additions to regular establishments should be treated as new sanctions.

[G. I. F. D. letter No. F.-I.-XI—R. I./29, dated 30th July 1929.]





**Chapter XIII.—Service under Local Funds.**

**F. R. 128.** Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

*Audit Instruction.*—Employees of local funds administered by Government who are not paid from general revenues and are, therefore, not Government servants are subject to the provisions of Chapters I to XI of the Fundamental Rules.

[Chap. XIII, Sec. I of Manual of Audit Instructions (1926).]

**F. R. 129.** The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

**F. R. 130.** Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.



## THE SCHEDULE.

(Fundamental Rule 75-A.)

### Provisions for the determination of Domicile.

[*Government of India, Finance Department, Resolution No. 1455-C. S. R., dated the 18th August 1923.*]

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

*Explanation 1.*—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

*Explanation 2.*—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin:

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following domicile of another person.



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SUPPLEMENTARY RULES.

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## SUPPLEMENTARY RULES.

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*(Made by the Governor-General in Council under the Fundamental Rules.)*

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### PART I.—GENERAL.

#### Division I.—Extent of Application.

**S. R. 1.** These rules may be called the Supplementary Rules. They apply to those Government servants only who are subject to the fundamental rules, whose pay is debitable to central revenues and who are not under the administrative control of a Governor in Council acting as the agent of the Governor General in Council. Except where it is otherwise expressly stated in the rules, they apply to all Government servants fulfilling these conditions.

**NOTE 1.**—Government servants under the administrative control of the Governor General in Council, whether paid from Central or Provincial Revenues, will be governed by these rules. Provided that the travelling allowance of Divisional Accountants, whether their pay is debitable to Central or Provincial Revenues, will be governed by the Supplementary Rules framed by the respective Provincial Governments.

**NOTE 2.**—The travelling allowance of Government servants subject to the Fundamental Rules who are under the administrative control of the Chief Commissioner, Coorg, though their pay is debitable to Central Revenues, are regulated under the Coorg Travelling Allowance Rules.

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#### Division II.—Definitions.

**S. R. 2.** Unless there is something repugnant in the subject or context, the terms defined in this division are used in the rules in the sense here explained :—

- (1) *Actual travelling expenses* means the actual cost of transporting a Government servant with his servants and personal luggage, including charges for ferry and other tolls and for carriage of camp equipment if necessary. It does not include charges for hotels, travellers' bungalows or refreshments or for the carriage of stores or conveyances or for presents to coachmen and the like; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants.
- (2) *Apprentice* means a person deputed for training in a trade or business with a view to employment in Government



service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

- (3) *Audit Officer* means such Audit Officer as the Auditor General may by general or special order designate in each case.
- (4) *Camp equipage* means the apparatus for moving a camp.
- (5) *Camp equipment* means tents and the requisites for pitching and furnishing them or, where tents are not carried, such articles of camp furniture as it may be necessary, in the interests of the public service, for a Government servant to take with him on tour.
- (6) *Competent authority*, in relation to the exercise of any power, means the Governor General in Council or any authority to which the power is delegated by or under these rules.

[A list of authorities which exercise the powers of a competent authority under the various Supplementary Rules made by the Governor General in Council is given in Appendix No. 13.]

- (7) *Day* means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.
- (8) *Family* means a Government servant's wife, legitimate children and step-children, residing with and wholly dependent upon him.

### No. 136.

Page 158, S. R. 2 (8)—

Insert the following as "Audit Instruction" below this rule:—

"*Audit Instruction*.—The term 'legitimate children' in the rule does not include adopted children except those adopted under the Hindu Law."

[Manual of Audit Instruction (1926), No. 134.]

(No. 136, dated the 25th August 1931.)

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[Ar. G.'s No. 1025-A./344-23, dated 2nd Oct. 1923.]

- (9) *Finance Department* means the Finance Department of the Government of India.
- (9A) *Grain compensation allowance* is a form of compensatory allowance which may be granted to low paid Government servants on account of a temporary and abnormal rise in prices of foodgrains in the locality where they serve.
- (10) *Head of a department* means any authority which the Governor General in Council may by order declare to be the head of a department for the purposes of these rules.

[For a list of Heads of Departments, see Appendix No. 14.]

- (11) *Hill Station* means any place which a competent authority may declare to be a hill station.
- (12) *Holiday* means—
- (a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and
  - (b) in relation to any particular office, a day on which such office is ordered, by notification of Government in the Gazette, to be closed for the transaction of Government business without reserve or qualification.
- (13) *Inferior service* means any kind of service which may be specially classed as such by order of the Governor General in Council and any other kind of service on pay not exceeding Rs. 10.
- (14) *Local Administration* means the local Government of any province other than a Governor's province or Burma.
- (15) *Probationer* means a Government servant employed on probation in or against a substantive vacancy in the cadre of a department.
- (16) *Public conveyance* means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.

*Accountant General's decision.*—A “public conveyance” is one which runs on a regular route between various fixed points and charges a fixed amount. A taxi and such a service as the tongas in Delhi do not come under the definition of a “public conveyance.”

[A. G. P. T.'s letter No. Mis.-2342/C.-3-23, dated 4th Sept. 1922.]

- (17) *Superior service* means any kind of service which is not inferior.
- (18) *Transfer* means the movement of a Government servant from one headquarter station in which he is employed to another such station, either
- (a) to take up the duties of a new post, or
  - (b) in consequence of a change of his headquarters.

### Division III.—Medical certificates of fitness on first entry into Government service.

(Rules made by the Governor General in Council under Fundamental Rule 10.)

**S. R. 3.** A medical certificate of fitness for Government service shall be in the following form :—

“ I hereby certify that I have examined A. B., a candidate for employment in the \_\_\_\_\_ Department, and cannot discover that \_\_\_\_\_ has any disease, constitutional weakness or bodily infirmity, except

I do not consider this a disqualification for employment in the office of \_\_\_\_\_, A. B.'s age is, according to own statement, \_\_\_\_\_ years, and by appearance about \_\_\_\_\_ years."

*Government of India's orders—*

(1) When a candidate for appointment in a non-gazetted post is sent for medical examination the examining Medical Officer or Board should be asked to obtain on the medical certificate the thumb and finger impressions of the candidate. These last impressions should afterwards be verified by the head of the office with those in the Service Book.

[G. I. C. I. D. No. 5463-13, dated 5th Jan. 1909.]

(2) While the existing practice, described in item (1) of "Government of India's orders" under this rule, must continue so far as illiterate persons are concerned, in the case of literate persons, who can sign in English, it will be sufficient if the examining Medical Officer or Board is asked to obtain on the medical certificate the signature of the candidate in his or its presence, and if this is afterwards verified by the head of the office by comparison with that in the Service Book.

[G. I. F. D. letter No. F. 67-R. I./28, dated 19th May 1928.]

**S. R. 4.** Such a certificate shall be signed by a commissioned medical officer of Government, or by a medical officer in charge of a civil station, or, in the case of a candidate for employment on a State railway, by a medical officer of the railway; provided that—

- (1) in the case of a female candidate, a competent authority may accept a certificate signed by any female medical practitioner, and
- (2) in the case of a candidate for appointment to a post on pay not exceeding fifty rupees, the appointing authority may accept a certificate signed by any officer, irrespective of his medical qualifications.

*Director General's Instructions.*—Every person who is required to furnish a health certificate must also submit a certificate, signed by himself, of his nationality, *i.e.*, whether he is a European, Anglo-Indian, Asiatic, etc., and whether he is a "Native of India" or not. Certificates of nationality are necessary only when the submission of health certificate is prescribed. The certificate of nationality and the date of birth must be endorsed on the back of the health certificate, which should be submitted to the Audit Office, attached to the salary bill in which the officer's first pay is drawn.

[Rule 468 of P. O. Manual, Vol. II, 1916, Rule 795 of P. O. Manual, Vol. IV (1911) and para. 27 of Telegraph Manual, Vol. I (1916).]

**S. R. 4A.** The following classes of Government servants are exempted from producing a medical certificate of health :—

- (1) A Government servant appointed by the Secretary of State or  
No. 29.

*Page 161, S. R. 4-A—*

*Substitute the following for the existing Note 1 of this rule :—*

**“ NOTE 1.—(a) The production of a medical certificate is necessary when**

(1) a Government servant is promoted from non-qualifying service paid from a local fund to a post in superior Government service;

(2) a person is re-employed after resignation or forfeiture of past service.

(b) When a person is re-employed in circumstances other than those referred to in clause (a) (2) above, the appointing authority will decide whether a medical certificate should be produced.”

[G. I., F. D., Correction No. 166 (S. R.), dated 18th November 1930.]

(No. 29, dated the 25th April 1931.)

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as probationers; a certificate obtained in this way will be accepted in audit as satisfying the requirements of F. R. 10 on the subsequent appointment of the candidate to a permanent post in the Department.

(2) A health certificate is also required in the case of a person who is re-employed after resignation or forfeiture of past service.

[Notes 1 and 4, below Para. 26 of Telegraph Manual, Vol. I (1916).]

### **No. 71.**

*Page 161, S. R. 4-A—*

*Insert the following as item (3) of “ Director General’s Instruc-*

### **No. 109.**

*Page 161, S. R. 4-A—*

*Insert the following as item (4) of “ Director General’s Instructions ” under this rule :—*

“(4) The outside candidates selected for training in the Electrical Engineer-in-Chief’s office for appointment as Engineering Supervisors are required to submit medical certificates of fitness in accordance with rule 10 of the Rules regulating the recruitment and training of candidates for the cadre of Engineering Supervisors notified in the Director General’s Special Engineering Circular No. 25, dated the 25th October 1928. No fresh medical certificates of fitness are required to be produced by outside candidates appointed as Engineering Supervisors on probation on completion of this training.

[D. G. P. T.’s letter No. S. A.-516—2/30, dated 27th April 1931 to P. M. G., Burma.]

(NOTE.—The orders should be accepted as general. A. G.’s orders, dated 23rd June 1931 in file C. R.-107-IV.)”

(No. 109, dated the 25th July 1931.)



**PART I-A.—PAY.**

**Division III-A.—Officiating Pay.**

[Rule made by the Governor General in Council under Fundamental Rule 2 and with reference to Fundamental Rule 35.]

**S. R. 4B.** A Clergyman appointed under the orders of the Government to perform the duties of a Chaplain on the regular establishment is entitled to a pay of Rs. 125 a month.



porary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of extension.

NOTE.—Unless in any case it be otherwise expressly provided in these rules, joining time may be added to the period of four months provided in this rule.

#### No. 41.

Pages 165-169, S. R.'s 5, 6, 6-A and 7—

Substitute the following for the existing rules 5, 6, 6-A and 7:—

#### “ General.

**S. R. 5.** Save as provided by the rules in this Division, a compensatory allowance attached to a post will cease to be drawn by a Government servant when he vacates the post.

*Drawal during leave and temporary transfer.*

**S. R. 6.** In this Division—

(a) ‘Leave’ means leave taken for a period not exceeding four months other than leave preparatory to retirement. When such leave

#### No. 124.

Pages 165-169, S. R. 6—

Insert the following “Audit Instructions” under S. R. 6 as revised by Correction No. 41, dated the 25th April 1931:—

“Audit Instructions—

(1) *W.D. & H.O. Wills*

#### No. 125.

Pages 165-169, S. R.'s 6-A, 6-B, 6-C, 6-D and 7—

Insert the following “Audit Instruction” under these rules as introduced by Correction No. 41, dated the 25th April 1931:—

“Audit Instruction.—To obviate all misunderstanding, the authority sanctioning the leave or transfer should invariably embody in the sanctioning orders, in terms of S. R.'s 6-A, 6-B,

6-C, 6-D and 7, a certificate regarding the likelihood of the Government servant returning to the post or station as the case may be.”

[Manual of Audit Instructions (1926), No. 180.]

(No. 125, dated the 25th August 1931.)

**S. R. 6-B.** An allowance granted owing to the expensiveness of living, other than a grain compensation allowance or a house-rent allowance, may be drawn—

(a) during leave, if

(i) the authority sanctioning the leave certifies that the Government servant is likely, on the expiry of the leave, to return





to duty at the station from which he proceeds on leave or at another station in which he will be entitled to a similar allowance; and

- (ii) the Government servant certifies that he or his family or both reside, for the period for which the allowance is claimed, at any of the stations mentioned in sub-clause (i) above.

(b) during temporary transfer, if

- (i) the authority sanctioning the transfer certifies that the Government servant is likely, on the expiry of the temporary duty, to return to the station from which he is transferred;
- (ii) the Government servant draws no allowance of the same kind in the post to which he is transferred; and
- (iii) the Government servant certifies that he kept his family, for the period for which the allowance is claimed, at the station from which he proceeded on transfer.

**S. R. 6-C.** A house-rent allowance may be drawn during leave or temporary transfer if—

(a) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary transfer, to return to duty at the station from which he proceeds on leave or is transferred, or at another station in which he will be entitled to a similar allowance; and

(b) the Government servant certifies either

- (i) that he or his family or both continued to reside, for the period for which the allowance is claimed, in the station from which he proceeded on leave or was transferred, or
- (ii) that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure on rent for which the allowance was granted.

**NOTE 1.**—(a) When a certificate is given under sub-clause (ii) above, the authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn; and, when a certificate is given under either sub-clause (i) or sub-clause (ii), such authority may require the Government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied, direct that no part of the allowance shall be drawn.

(b) For the purposes of this certificate any expenditure on rent which is covered by receipts from a sub-lease shall not be deemed to have been incurred.

**NOTE 2.**—This rule does not apply to any Government servant admitted to the benefits of the Calcutta, Bombay or Rangoon House Allowance Scheme, in so far as it is inconsistent with the rules governing the scheme.

**NOTE 3.**—This rule does not apply when leave is granted to members of the Signalling establishment, Deputy Superintendents and members of the second division of the Superior Traffic Branch, and members of the corresponding Engineering Branch of the Indian Posts and Telegraphs Department, and State Railway employees. For these classes of Government



**PART II.—ADDITIONS TO PAY.****Division IV.—Drawing of compensatory allowances.**

## 24

at the new station in addition to his house-rent allowance at the old station; but the house rent allowance at the new station should be at the rate admissible for a Government servant of his rank without family under the rules of the Department.

**S. R. 6-D.** A portion, not exceeding Rs. 45 of an allowance granted on condition that a motor car or motor cycle is maintained may be drawn during leave or temporary transfer if—

(i) the substantive pay of the Government servant during the period of claim does not exceed Rs. 1,500;

(ii) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of a motor car or motor cycle, as the case may be, will be advantageous from the point of view of his efficiency; and

(iii) the Government servant certifies that he continued to maintain the vehicle, that the amount claimed was spent by him on garage hire or wages to staff or both for the period for which the amount is claimed and that the vehicle was not during that period in use by anybody.

**NOTE.**—The maximum allowance for a motor cycle is limited to Rs. 10.

**S. R. 7.** An allowance granted on condition that a horse or other animal is maintained may be drawn during leave or temporary transfer if

(i) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency; and

(ii) the Government servant certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted."

(These amendments take effect from 1st April 1931.)

[G. I., F. D., Correction No. F74 (S. R.), dated 16th March 1931.]

(No. 41, dated the 25th April 1931.)

look into the reasons for which the compensatory allowance is attached to the post from which the officer takes leave and only permit him to draw that allowance during his leave if he (sanctioning authority) is satisfied that the expenditure to cover which the allowance is granted is actually incurred by the officer during his leave.

[F. A. P. T. No. 18-P. T., dated 11th Aug. 1923.]

*Audit Instructions—*

(1) Under Supplementary Rules 6 and 7 the maximum period during which a Government servant can draw compensatory allowances while on leave is four months (or six months in the case of leave admissible under the special concession referred to in Note 1 to Fundamental Rule 89). The length of the total period of leave is irrelevant but these allowances cannot be drawn during any period of leave which is not leave on average pay. A Government servant can draw such allowances while on transfer to another post only if the period of transfer does not exceed four months.

In regard to the certificate required under clause (1) of Rule 6, the certifying authority (though he may write the certificate at any time) should certify that when the officer went on leave or on temporary duty, he had an expectation to return to the post from which he took leave or was transferred and to which the compensatory allowances were attached.

As regards the certificate of the Government servant (*vide* clause (2) under Rule 6) that he actually incurred the expenditure, the Audit Officer is entitled to call for particulars and disallow the claim, if he is not satisfied with the details given.

[Para. 1, Sec. II of Manual of Audit Instructions (1926).]

(2) The drawing during leave of the compensatory and house-rent allowances sanctioned in the Government of India, Finance Department, Resolution No. D.-5067/C. S. R., dated 10th October 1924, should be regulated by Supplementary Rules 6 and 7 respectively.

[Para. 2, Sec. II of Manual of Audit Instructions (1926).]

**S. R. 6A.** A competent authority may sanction the grant of grain compensation allowance, up to a maximum of Rs. 3 a month, to a whole-time Government servant whose pay does not exceed Rs. 30 a month, whenever from temporary causes there is a material rise in prices above the normal in the particular locality in which the servant is employed. The allowance may be drawn during leave or transfer in the circumstances specified in Rule 6, except where the authority sanctioning the leave or transfer has reason to believe that the Government servant is not likely to return on the expiry of his leave or temporary duty to a post to which the allowance is attached.

A Government servant whose headquarters are stationed within the territories administered by a local Government or Administration,

which has granted grain compensation allowance to Government servants under its administrative control, may draw the allowance on the same terms and conditions as those prescribed by the local Government or Administration.

**NOTE 1.**—When the pay of a Government servant is less than Rs. 5 a month, the aggregate pay and allowance may be brought up by a competent authority to a maximum of Rs. 6-8-0 a month.

**NOTE 2.**—A Government servant whose pay exceeds Rs. 30 a month may be granted by a competent authority grain compensation allowance subject to the condition that the total of his pay and allowance shall not exceed the total amount admissible to an officer whose pay is Rs. 30.

**NOTE 3.**—Overtime allowances, fees and pension shall be taken into account in determining pay for the purpose of this rule.

**NOTE 4.**—The allowance is to be determined with reference to the total emoluments drawn in a month and not with reference to the rate at which pay for the month, or any part of it, is drawn.

**NOTE 5.**—In the case of establishments on tour, the rate of grain compensation allowance should be that sanctioned for the locality in which their headquarters lie.

**S. R. 7.** A house-rent allowance may be drawn by a Government servant on leave or transfer in the circumstances specified in rule 6; provided that he certifies that his previous rate of expenditure for a house continues during his absence and that he places his house, free of rent, at the disposal of the Government servant, if any, who officiates in his post. The officiating Government servant cannot in such case draw the house-rent allowance attached to the post. If, however, the officiating Government servant, for a reason which a competent authority considers to be sufficient, refuses the accommodation placed at his disposal, he, and not the absent Government servant, will draw the allowance.

Drawal during leave or temporary transfer :—house-rent allowances.

**NOTE 1.**—This rule does not apply to any Government servant admitted to the benefits of the Calcutta, Bombay or Rangoon House Allowance Scheme, in so far as it is inconsistent with the rules governing the scheme.

**NOTE 2.**—This rule does not apply when leave is granted to members of the Signalling establishment, Deputy Superintendents and members of the second division, Superior Traffic Branch and members of the corresponding Engineering Branch of the Indian Post and Telegraph Department, and State Railway employees for whom the grant of house-rent allowances during leave on average pay up to a maximum period of four months, shall be regulated by the following principles:—

- (1) The Head of the office will decide in each case who shall draw the allowances, the only requirement being that no extra expenditure shall be caused to Government.
- (2) The absentee will draw the full allowance, when, in the chain of officiating arrangements, no house allowance is given to any Government servant in respect of his officiating pay.
- (3) The absentee will draw nothing if the whole of his allowance is absorbed in the house allowances granted, in the chain of arrangements to officiating Government servants in respect of their officiating pay.
- (4) The absentee will draw the difference between his allowance and the amount of it absorbed in the grant of house-rent allowances in the chain of arrangements to officiating Government servants in respect of their officiating pay.

- (5) The grant of the allowance or of any part of it is in all cases subject to the condition that the absentee continues to incur during leave the whole or a considerable part of the expense on house accommodation. In cases in which a considerable part only of such expense continues to be borne by the absentee it is left to the discretion of the authority sanctioning the leave to decide whether and by how much the allowance admissible under clauses (1), (2) and (4) should be reduced.
- (6) The absentee will draw nothing if he is on leave preparatory to retirement.

**NOTE 3.**—A Telegraph Master or a Telegraphist; an Engineering or an Electrical Supervisor; a Deputy Superintendent, Traffic, or an officer of the Second Division of the Superior Traffic Branch, and a Deputy Assistant or an Assistant Engineer or Electrician who takes leave on average pay and desires to continue in occupation of the quarters allotted to him while on duty but is required to vacate them may be permitted to draw compensation in lieu thereof, provided the Government is not put to extra expense by the concession.

**NOTE 4.**—(a) In the Indian Posts and Telegraphs Department the Head of a Circle is empowered to sanction the grant of house rent in addition to free quarters to members of the signalling establishment in cases of temporary transfer for a maximum period of three months generally and for a maximum period of four months in the case of telegraphists temporarily transferred to Calcutta for training as Baudot Supervisors, irrespective of the actual period of duration of the transfer, subject to the proviso that the concession is granted in the following cases only:—

- (i) When the accommodation available in the Telegraphist's quarters in the station to which the officer is temporarily transferred is less than is admissible to an officer of his class under the rules of the Department, and the officer concerned is thereby compelled to engage additional quarters, or
- (ii) When an officer is temporarily transferred from a station or an appointment in which he was in receipt of house rent in lieu of quarters, at the rate admissible to an officer of his class under the rules of the Department, to a station or an appointment in which free quarters are provided, but the accommodation previously engaged cannot be given up owing to the short period of the transfer. In such cases the amount of house rent that may be granted during the temporary transfer must not in any case exceed the amount drawn by the officer concerned prior to the transfer.

(b) When an officer is temporarily transferred under clause (a) (ii) he is entitled to draw house rent allowance (in lieu of free quarters) at the new station in addition to his house rent allowance at the old station but the house rent allowance at the new station should be at the rate admissible to an officer of his rank without family under the rules of the Department.

*Director General's Instructions—*

(1) The grant of house-rent allowance, at places where it is sanctioned, to the Task-work peons or other inferior servants when absent on leave on average pay should be regulated with reference to S. R. 7.

(2) Under Note 2 below S. R. 7, two conditions must be satisfied viz. (i) there should be no extra expense to Government, and (ii) the absentee should continue to incur the whole or a considerable part of the expenditure on house accommodation during leave. As it is necessary for the Audit Office to satisfy itself that the conditions mentioned above are fulfilled before passing any house-rent allowance to an officer on privilege leave or leave on average pay *up to a maximum of four months*, the following procedure is laid down for observance:—

- (a) In the case of non-gazetted officials the following certificate should be given in the establishment pay bill:

“Certified that no extra cost has been incurred on account of grant of house-rent allowance to Telegraph Master and Telegraphists Engineering and Electrical Supervisor on privilege leave or leave on average pay for whom house-rent allowance has been drawn in this bill and that they continued to incur the whole or a considerable part of the expense on house accommodation during leave.”

If in any case it is intended that the house-rent allowance should be reduced under clause (2) of Note 2 below S. R. 7, separate orders should be issued by the authority sanctioning the leave for the information of the Audit Office.

- (b) With regard to gazetted officers the officiating arrangements are not always confined to one circle and are made partly by the Director General and partly by the Head of the Circle and involve officiating promotions of gazetted and non-gazetted officers in one chain. As in their cases it is not possible for the Head of the Office to give a correct certificate, the Head of the Circle should furnish the Audit office concerned with a certificate showing the available balance of house-rent allowance and the details of acting arrangements made in place of the absentee. In addition to this a certificate from the officer himself to the effect that he continued to incur the whole or a considerable expense on house accommodation during leave should be furnished with the bill in which the allowance is drawn. If it is intended to reduce the house-rent allowance in any case of leave sanctioned by the Head of the Circle or the Director General, intimation should be sent to the Audit Officer.

[D. G. P. T.'s G. O. No.  $\frac{6 \text{ (Tel. Traffic)}}{24 \text{ (Tel. Engineering)}}$ , dated 22nd Dec. 1923.]

**S. R. 7A.** A Government servant on joining time under Fundamental Rule 105 (a), if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates. If the Government



servant in his old post drew a compensatory allowance granted on account of special expensiveness of living and the transfer is to another

## No. 42.

Page 170, S. R. 7-B—

Delete this rule.

(This amendment takes effect from 1st April 1931.)

[G. I., F. D., Correction No. 174 (S. R.), dated 16th March 1931.]

(No. 42, dated the 25th April 1931.)

## No. 43.

Page 170, S. R. 8—

Substitute "rule 6-C" for "rule 7" in line 3 of this rule.

[G. I., F. D., Correction No. 174 (S. R.), dated 16th March 1931.]

(No. 43, dated the 25th April 1931.)

~~a competent authority~~  
general revenues to a Government servant under its administrative control or the acceptance by such a Government servant of an honorarium or a fee from a source other than general revenues. No Government servant may accept an honorarium or fee without such sanction.

amount.

S. R. 10. The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given.

conditions  
of sanction.

S. R. 11. When the service rendered falls within the scope of the ordinary duties of the Government servant performing it, the test of exceptional merit prescribed in fundamental rule 46 must be very strictly applied.

S. R. 12. Sanction must not be given to the acceptance of an honorarium or fee from a source other than general revenues unless the work for which it is offered has been undertaken with the knowledge and sanction of a competent authority, who must certify that its performance will involve no detriment to the official duties of the Government servant performing it.

S. R. 13. When an honorarium or fee is paid from a source other than general revenues for work done by a Government servant during time which would otherwise be spent in the performance of official duties, the honorarium or fee must be credited to general revenues; provided that a competent authority may, for special reasons which should be recorded, direct that the whole or any part of it may be paid to the Government servant.

Limits of  
sanction in  
case of  
tuition fees.

S. R. 14. When a Government servant of an educational service is permitted to receive fees for private tuition, the financial limits of the powers of sanction accorded to a competent authority shall be considered to apply to the total amount of fees to be accepted by such Government servant during any particular scholastic term or vacation.

**S. R. 15.** No Government servant may act as an arbitrator in any Action as case which is likely to come before him in any shape by virtue of any arbitrator. judicial or executive post which he may be holding.

**S. R. 16.** A Government servant called upon by a court of law Expert to act as a commission to give evidence on technical matters may evidence. comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and may accept such fees as are fixed by the court.

## Division VI.—Travelling allowances.

[Rules made by the Governor General in Council under Fundamental Rule 44.]

### CHAPTER 1.—GRADES OF GOVERNMENT SERVANTS.

#### SECTION I.—DISTRIBUTION INTO GRADES.

**S. R. 17.** For the purpose of calculating travelling allowance, Gov- General rule. ernment servants are divided into four grades as follows :—

- (a) The first grade includes officers of the services included in the accompanying schedule and all other officers of Government in receipt of actual pay exceeding Rs. 750.

#### *The Schedule.*

- (1) Indian Civil Service.
- (2) Indian Police Service.
- (3) Imperial Forest Service and Imperial Technical Assistants at the Forest Research Institute and College, Dehra Dun.
- (4) Indian Educational Service.
- (5) Indian Agricultural Service, the Physical Chemist, the Assistant to the Imperial Dairy Expert, the Sugar-cane Expert, the Second Cane-breeding Officer, and the Agronomist.
- (6) Indian Service of Engineers (Public Works and State Railway Branches).
- (7) The Indian Veterinary Service.
- (8) Indian Medical Service.
- (9) Imperial Customs Service.
- (10) Indian Audit and Accounts Service (Civil and Military).
- (11) Superintendents and Class I of the Survey of India Department.
- (12) The Superior Staff of the Geological Survey of India Department.

- (13) The Superior Telegraph Branch of the Post and Telegraph Department.
- (14) The Superior Revenue Establishment of State Railways.
- (15) The Superior Staff of the Mint and Assay Departments.
- (16) The Archaeological Department.
- (17) The Zoological Survey of India.
- (18) Indian Forest Engineering Service.
- (19) Chaplains.
- (20) Officers holding the King's Commission whose travelling allowance is regulated under civil rules.
- (21) Indian Meteorological Service.
- (22) The Superior Gazetted Staff of the Indian Stores Department.
- (23) The Political Department of India.

[Entry (13) of the Schedule refers to officers of the Superior Engineering Branch (now termed 1st Division). A. G. P. T. Endt. No. Mis.3077/F.-90-II, dated 15th Jan. 1924.]

- (b) The second grade includes all Government servants in receipt of actual pay exceeding Rs. 200 but not exceeding Rs. 750.
- (c) The third grade includes all other Government servants in superior service, except police constables and forest guards.
- (d) The fourth grade includes police constables, forest guards and all Government servants in inferior service.

*Government of India's decisions—*

(1) The revised rules promulgated with the Finance Department Resolution No. 854-C. S. R., dated the 29th May 1923, apply not only to Government servants who are subject to the Fundamental Rules but to all whose travelling allowances are regulated under civil rules.

[G. I. F. D. No. 1169-C. S. R., dated 10th July 1923.]

(2) The expression "actual pay" in Supplementary Rule 17 includes all emoluments drawn under Fundamental Rule 9 (21) (a) (i), (ii) and (iii).

[G. I. F. D. No. 1213-C. S. R., dated 18th July 1923.]

(3) The travelling allowance of an officer, who is promoted or reverted with retrospective effect, should not be revised in respect of the period intervening between the date of promotion or reversion and that on which it is notified except when the notification implies a change of duties. In the case of all bills audited before the notification appears, the Audit Office should be guided by the facts known officially at the time, but in the case of travelling allowance bills

not presented or audited before the promotion is gazetted there is no objection to the Audit Officer recognising the retrospective effect of the notification.

[G. I. F. D. No. 963-E. B., dated 19th July 1915, and D. G. Cir. Tr. No. 13, dated 1st Sept. 1915.—*Vide* page 101 of P. & T. Supplement to C. S. R.]

(4) The Government of India have decided that for purposes of travelling allowance the classification of an officiating Government servant who has no substantive appointment under Government should be regulated by his pay.

[Ar. G.'s No. 655-A./143-23, dated 19th May 1923.]

[The words "his pay" should be taken to mean "pay, other than special pay or pay granted in view of the officiating incumbent's personal qualifications, which he draws in the post held by him in an officiating capacity." That is, it should be taken to mean the pay as defined in Fundamental Rule 9 (21) (a) (i) and to include nothing of Fundamental Rule 9 (21) (a) (ii) and (iii).]

[A. G. P. T. No. Mis.-753/F.-90 (a), dated 4th June 1923.]

(5) When an officer who has a substantive appointment officiates in another appointment, his officiating appointment alone is taken into account in determining the rates of travelling allowance admissible to him.

[G. I. F. D. No. 7279, dated 24th Dec. 1885-Bombay—*vide* page 101 of P. & T. Supplement to C. S. R.]

*Audit Instruction.*—See Audit Instruction (1) below F. R. 44.

**S. R. 18.** A competent authority may, for reasons which should be recorded, order that any Government servant or class of Government servants shall be included in a grade higher or lower than that prescribed in rule 17. Special con-  
cessions.

[For a list of officers who have been specially classed as officers of the first or second grade, see Appendix No. 15.]

*Government of India's orders—*

(1) Extra-Departmental Agents of Post Offices should be classed as officers of the 3rd grade for the purpose of travelling allowance rules.

[G. I. I. L. D. No. 7-P. T., dated 3rd Dec. 1925.]

[The term "Extra-Departmental Agents of Post Offices" refers only to Extra-Departmental Branch Postmasters who are specially classed as officers of the third grade for the purpose of travelling allowance rules, while extra-departmental delivering agents or extraneous mail carriers of the Post Office are included in the fourth grade for the same purpose. G. I., I. and L. D., letter No. 670-Est. A./29, dated the 16th May 1930.]

(2) All lady clerks employed in the Government of India Secretariat or attached or subordinate offices in Simla or Delhi, or in the

Central Office, Public Works Department, Delhi, who are third class officers for purposes of travelling allowance, under Simla Allowances Code or the Supplementary Rules, shall be treated as second class officers for all authorised journeys on duty, whether intermediate class accommodation is available or not on the railway by which they travel.

The same privilege is extended to lady clerks in respect of journeys performed by them to join their first appointments in any of these offices.

[G. I. H. D. No. F. 281/26-Ests., dated 18th February 1927.]

(3) Candidates, who are selected for the posts of Assistant Divisional Engineers, Telegraphs, and are required to undergo one year's practical training in the Department, should, while under training, be treated for the purpose of travelling allowance as if they were second grade officers and granted a daily allowance under the usual rules at the rate of Rs. 3 per diem.

[G. I. I. & L. D. letter No. 67-P. T. E., dated 15th December 1928.]

(4) Wireless Investigating Inspectors should be treated, like the Inspectors of Post Offices, as second grade officers for purposes of travelling allowances and granted daily allowance at the rate of Rs. 3 irrespective of the actual pay drawn by them in the scale of Rs. 160—10—250.

[G. I. I. & L. D. letter No. 15-P. T. E., dated 24th January 1929.]

Government  
servants in  
transit from  
one post to  
another.

**S. R. 19.** A Government servant in transit from one post to another ranks in the grade to which the lower of the two posts would entitle him.

Part-time  
Government  
servants, etc.

**S. R. 20.** A Government servant whose whole time is not retained for the public service, or who is remunerated wholly or partly by fees, ranks in such grade as a competent authority may, with due regard to the Government servant's status, declare.

## CHAPTER II.—THE DIFFERENT KINDS OF TRAVELLING ALLOWANCE.

### SECTION II.—GENERAL.

General rule.

**S. R. 21.** The following are the different kinds of travelling allowances which may be drawn in different circumstances by Government servants :—

- (a) Permanent travelling allowance.
- (b) Conveyance or horse allowance.
- (c) Mileage allowance.
- (d) Daily allowance.
- (e) The actual cost of travelling.

The rules in this chapter explain the nature of these allowances and the method of calculating them. The circumstances in which they may be drawn for particular journeys are described in Chapters III to V.

*Director General's Instructions.*—Military Telegraphists employed as Engineering Supervisors may draw travelling allowances at the rates which would be admissible if the civil rules are applied to them.

[Para. 374 of Telegraph Manual, Vol. II (1916).]

### SECTION III.—PERMANENT TRAVELLING ALLOWANCE.

**S. R. 22.** A permanent monthly travelling allowance may be granted by a competent authority to any Government servant whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government servant's sphere of duty and is drawn all the year round, whether the Government servant is absent from his headquarters or not. Conditions of grant.

[For a list of permanent monthly travelling allowances, see Appendix 16.]

*Accountant General's decision.*—No certificate need be insisted on by audit in the case of conveyance allowance drawn by a mail overseer as it would appear from item 22 of Appendix 30, C. S. R., that the allowance is really permanent travelling allowance and not strictly speaking conveyance allowance.

[A. G. P. T. No. Mis.-1788/C.-130, dated 22nd Nov. 1924.]

**\*S. R. 23.** A permanent travelling allowance may not be drawn during leave, temporary transfer, or joining time or, unless in any case it be otherwise expressly provided in these rules, during any period for which travelling allowance of any other kind is drawn. When inadmissible.

**S. R. 24.** When a Government servant holds, either substantively or in an officiating capacity, two or more posts to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance, not exceeding the total of all the allowances, as a competent authority may consider to be necessary in order to cover the travelling expenses which he has to incur. Combination of posts.

### SECTION IV.—CONVEYANCE AND HORSE ALLOWANCE.

**S. R. 25.** A competent authority may grant, on such conditions as it thinks fit to impose, a monthly conveyance or horse allowance to any Government servant who is required to travel extensively at or within a short distance from his headquarters under conditions which do not render him eligible for daily allowance. Conditions of grant.

[For a list of conveyance allowances, see Appendix 17.]

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\* This revised rule has effect from the 5th July 1928.

hen drawn. S. R. 26. Except as otherwise provided in these rules and unless the authority sanctioning it otherwise direct, a conveyance or horse

## No. 4.

Page 176, S. R. 26—

*Insert* the following as “Government of India’s order” under this rule:—

“*Government of India’s order.*—The Governor General in Council is pleased to order, under S. R. 26, that for journeys beyond a radius of 5 miles from the Headquarters, the City Superintendents of Post Offices in Calcutta, Bombay, Madras and Rangoon and all other officers of the Indian Posts and Telegraphs Department who draw a fixed monthly conveyance allowance, shall not be allowed to draw ordinary Travelling Allowance in addition to their conveyance but will be entitled to exchange their conveyance allowance (at the rate of  $\frac{1}{80}$  for each day) for any Travelling Allowance (daily or mileage allowance) that may be admissible to them under the rules.”

[G. I., I. & L. D., letter No. 906-Est. A/28, dated 28th August 1930.]

(No. 4, dated the 25th April 1931.)

## No. 44.

Page 176, S. R. 27—

*Substitute* “rules 6-D and 7” for “rule 6” in the last line of this rule.

[G. I., F. D., Correction No. 174 (S. R.), dated 16th March 1931.]

(No. 44, dated the 25th April 1931.)

Principles of calculation.

S. R. 30. (a) For the purpose of calculating mileage allowance, a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short; provided that, when there are alternative railway routes and the difference between them in point of time and cost is not great, mileage allowance should be calculated on the route actually used.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, a competent authority may decide which shall be regarded as the shortest of two or more routes.

(c) If a Government servant travels by a route which is not the shortest but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

*Director General’s Instructions.*—The Director General, Posts and Telegraphs, acting under Supplementary Rule 30 (b) is pleased

\* The words “or temporary transfer” were inserted with effect from the 5th July 1928.

to declare with effect from 1st March 1930 the new route *viâ* Bhatta as the shortest route between Dehra Dun and Mussoorie for journeys actually performed by that route in the interests of the public service.

[D. G.'s No. 955-Est. A/29, dated the 1st March 1930.]

**S. R. 31.** A competent authority may, for special reasons which should be recorded, permit mileage allowance to be calculated on a route other than the shortest or cheapest, provided that the journey is actually performed by such route. Special Concessions.

*Government of India's Orders—*

(1) The Governor General in Council is pleased to accord general permission, under Supplementary Rule 31, to officers paid from Central Revenues who are not serving under agency conditions, to use the land route when required to travel between Bombay and Karachi during the monsoon as the land route then is more convenient. This concession will be admissible every year from the 15th May to the 8th October which is generally considered as the monsoon period.

[G. I. F. D. Res. No. 2283-C. S. R., dated 20th Dec. 1923.]

(2) When road mileage is claimed for a journey performed by motor car between places connected by railway, the Local Government should decide whether the full rate of travelling allowance should be passed in such a case, or whether it should be limited to what would have been admissible had the officer travelled by rail in the ordinary way. The principle which should be followed in deciding such questions is whether any public interest was served by the road journey which would not have been served had the officer travelled by rail, such as the saving of public time, or inspection work *en route*, etc.

[G. I. F. D. No. 7278-P., dated 9th Dec. 1907.]

*Auditor General's decision.*—The question was referred to the Auditor General whether the Director General, Posts and Telegraphs, still exercise the powers given to him by the Government of India, Finance Department, No. 7278-P., dated 9th December 1907, to grant the full rate of travelling allowance for journeys performed by motor car between stations connected by railway. It was decided by the Auditor General that under S. R. 31 read with serial No. 13 of Appendix 13 and item 30 of Government of India, Finance Department, Resolution No. 336-C. S. R., dated 25th April 1922 (Appendix 14), the Director General, Posts and Telegraphs, as Head of a Department, has full power to allow mileage in cases of journeys by motor car between places connected by Railway provided the selection of such a route is in the interests of Government.

[Ar. G.'s letter No. 437-Code/K. W.-122, Reforms-21, dated 7th May 1923.]

*Director General's Instructions—*

(1) The issue of Director General's formal sanction is necessary for road mileage drawn for journeys by motor car between places



connected by railway. In all cases in which such journeys have to be undertaken, brief particulars of the public service on account of which the charge has been unavoidably incurred should be given in the travelling allowance bills before they are submitted to the Director General for countersignature.

[D. G. P. T. No. 28-B., dated 18th Aug. 1923.]

(2) The Director General's sanction is not necessary under S. R. 31, for road mileage drawn for journeys between places connected by railway when the train service between those places ceases on account of floods or strikes, as the places cannot, for the time being, be regarded as 'connected by railway'.

[D. G. P. T.'s letter No. 678-Staff-B./28/Est. A., dated 30th May 1929.]

*Director General's orders.*—The Posts and Telegraphs officials may use the land route for journeys between Chiplun or Rajapur and Ratnagiri and draw travelling allowance by that route.

[D. G. P. T.'s No. 652-Est. A./29, dated 27th September 1929.]

*Accountant General's decision.*—In cases of the kind referred to in the Director General's instructions above where the countersigning officer is also the officer whose special sanction is necessary for a particular item included in the travelling allowance bill, the Audit officer may accept countersignature as equivalent to the special sanction provided some brief particulars of the public service on account of which the charge has been unavoidably incurred are given in the travelling allowance bill.

[A. G. P. T.'s No. Mis. 1298/Sec.-236, dated 14th July 1923.]

Point of  
commence-  
ment and  
end of  
journey.

**S. R. 32.** The point in any station at which a journey is held to commence or end is the chief public office or such other point as may be fixed for the purpose by a competent authority.

*Government of India's orders—*

For the purpose of this rule, the principal post office in any station should be considered as the chief public office and consequently as the fixed point, in respect of the commencement and end of the journeys of all officers of the Indian Posts and Telegraphs Department.

[G. I. I. & L. D. No. 67-P. T. E., dated 4th July 1923.]

The expression 'principal post office in any station' used in the preceding paragraph should be taken to mean any post office whether head, sub or branch situated within the same station and if there are more than one post office in that station, the principal one. If in any case the distance between the post office and the office to which the official concerned belongs is more than five miles they should be considered to be in different stations. In such cases the office itself should be taken to be the fixed point.

[G. I. I. & L. D. letter No. 67-P. T. E., dated 14th Jan. 1929.]

**S. R. 33.** Mileage allowance is differently calculated, as shown in the following rules, according as the journey is, or could be, made by railway, by sea or river steamer or by road.

Different rates for different classes of journey.

**SUB-SECTION (II).—MILEAGE ALLOWANCES FOR JOURNEYS BY RAILWAY.**

**S. R. 34.** For the purpose of calculating mileage allowance, Government servants when travelling by railway are considered to be entitled to class accommodation according to the following scale :—

Classes of accommodation for which Government servants are considered to be eligible.

- (a) *A Government servant of the first grade.*—Accommodation of the highest class, by whatever name it may be called, provided on the railway by which he travels.
- (b) *A Government servant of the second grade.*—Second or, if the line by which he travels provides no second class accommodation on any train, highest class.
- (c) *A Government servant of the third grade—*

- (i) If travelling on the Darjeeling-Himalayan Railway except the Siliguri-Kissenganj extension; third class.
- (ii) If travelling on any other railway which provides no intermediate class accommodation on any of the trains which stop at the stations to and from which he is travelling, including the Siliguri-Kissenganj extension :—
  - (1) where there are two classes only, lower class, and
  - (2) where there are three classes, second class, if his pay is not less than Rs. 100 and third class if it is less than Rs. 100.
- (iii) If travelling on any railway which provides intermediate class accommodation on trains which stop at the stations to and from which he is travelling : intermediate class.

- (d) *A Government servant of the fourth grade.*—The lowest class whether it be called lower, third or fourth.

*Government of India's orders.*—Stenographer-camp clerks, to administrative officers in the various circles in the Indian Posts and Telegraphs Department whose pay is less than Rs. 100 a month should, when travelling by rail, be allowed second class accommodation on trains in which intermediate class accommodation is not available. The reason for the grant of this concession is that stenographer-camp clerks actually accompany on tour the officers to whom they are attached and cannot be really useful to the latter if they have to travel third class by trains other than those in which the officers travel.

[G. I. F. D. Memo. No. 67-P. T. E., dated 8th September 1927.]

*Director General's Instructions.*—British soldiers proceeding to join the Telegraph service for employment are entitled to second class accommodation.

[Para. 376 of Telegraph Manual, Vol. II (1916).]

Special  
concessions.

**S. R. 35.** A competent authority may, for special reasons which should be recorded, declare any particular Government servant or class of Government servants to be entitled to accommodation of a higher class than that prescribed for his grade in clause (b), (c) or (d) of rule 34.

Rate of  
mileage  
allowance.

**S. R. 36.** Except in the case of journeys on transfer (the rules about which are contained in Section XI) and journeys of Government servants required to accompany the headquarters of the Government of India (which are governed by the Simla Allowances Code), the mileage allowance admissible to a Government servant of the first, second or third grade is  $1\frac{2}{3}$  the fare of the class in which he is entitled to accommodation. The mileage allowance admissible to a Government servant of the fourth grade is the fare of the lowest class except for journeys under the Simla Allowances Code.

**NOTE.**—A non-gazetted police officer who receives an advance for meeting the expenses of a railway journey is not entitled to draw mileage allowance under this rule, but if he draws no advance, he will be eligible for the mileage allowance ordinarily admissible.

*Audit Instruction.*—(a) A terminal tax which is included in the railway or steamer fare, such as the terminal tax of half an anna levied by the East Indian Railway on passengers travelling to and from Howrah, forms part of the railway or steamer fare and should be allowed as such on all travelling allowance claims.

(b) The Rangoon Terminal Tax, limited to the amount actually paid in each case, should be admitted in the travelling allowance bills of Government servants passing through Rangoon on duty.

(c) The toll-tax at Naini Tal, limited to the amount actually paid in each case, should be allowed to Government servants of the fourth grade while travelling on duty between Kathgodam and Naini Tal.

[Para. 4A, Sec. II of Manual of Audit Instructions (1926).]

*Director General's Instruction.*—As the Supplementary Rules make no mention of concession tickets, it is taken for granted that any such concession as may be allowed by railways at certain seasons (e.g., at Christmas, Easter, during the Pujas, etc.) was taken into account in fixing the travelling allowance rates and that accordingly these rates should be calculated on the full fares ordinarily charged, the reduced rates being ignored.

This decision is issued with the concurrence of the Accountant General, Posts and Telegraphs.

[D. G.'s G. O. No. 9—3—9—1, dated 23rd June 1928.]

*Accountant General's decision.*—To save time in calculating  $1\frac{2}{3}$  fares on each item in a travelling allowance bill relating to a railway or steamer journey, single fares should be shown in the bill (in the requisite column) and at the end  $\frac{2}{3}$ ths of railway or steamer fares added.

[A. G. P. T. No. Mis.-996/F.-90-II, dated 21st July 1923.]

**S. R. 37.** If a Government servant of the second or third grade actually travels by a train which does not provide the class of accommodation to which he is entitled under rule 34, he may be allowed to draw the mileage allowance of the next higher class, provided that the controlling officer attaches to his travelling allowance bill a certificate that it was necessary in the public interest that he should travel by that train. This concession does not apply to a Government servant of the third grade whose pay is less than Rs. 100 and who travels on a line which provides intermediate class accommodation on one or more of its trains but not on the particular train on which he travels, if there be third class accommodation on that train. Such a Government servant is restricted to mileage allowance calculated for intermediate class accommodation.

Where the class to which the Government servant is entitled is not provided on the train.

**S. R. 38.** When through booking involves the payment, for part of a journey, of rates for accommodation of a class higher than that to which the Government servant concerned is entitled, the Government servant may draw mileage allowance based on the higher rates for that part of the journey.

Through booking.

*Audit Instruction.*—This rule which reproduces the substance of Note 3 to Article 1011 of the Civil Service Regulations should be interpreted as allowing a Government servant the benefit of higher class fare for the entire journey only in cases where the Railway Company does not issue a through ticket for the class to which the Government servant is entitled for one portion of the line and for a higher class over another line or railway which does not provide accommodation of the former class.

[Para. 3, Sec. II of Manual of Audit Instructions (1926).]

**S. R. 39.** A special rate of mileage allowance is fixed by rule 84 for certain Government servants of the State Railway and Telegraph Departments when travelling on an unopened line of railway by trolley, material train or engine.

Special rate

**\* SUB-SECTION (III).—MILEAGE ALLOWANCE FOR JOURNEYS BY SEA OR BY RIVER STEAMER.**

**S. R. 40.** For the purpose of calculating mileage allowance, Gov-

Classes of

\* The rules in this sub-section are intended to govern only journeys within the limits of "Indian Waters" and should be applied in audit accordingly. They should not, for instance, be applied in the case of an officer proceeding from India to England as the cost of a free passage should be the fare of a single ticket. (The term "Indian Waters" is intended to cover journeys to and from Indian ports and beyond sea-stations administered by the Government of India, viz., Aden, the Andamans and Burma, in accordance with the definition of the term in the Army Regulations, India, Vol. X (Passage).)

[A. G.'s No. 380-A./135-22, dated 10th Mar. 1923 and No. 175-A./57-24, dated 22nd Feb. 1924.]

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ernment servants are considered to be entitled to class accommodation according to the following scale :—

- (a) *A Government servant of the first grade.*—Highest class;
- (b) *A Government servant of the second grade.*—If there be two classes only on the steamer, the higher class; and if there be more than two classes, middle or second class.
- (c) *A Government servant of the third grade.*—If there be two classes only on the steamer, the lower class; if there be more than two classes, middle or second class. if there be four classes, third class;

Provided that a competent authority may direct that any Government servant whose pay does not exceed Rs. 30 is entitled, for journeys generally or for particular journeys, to accommodation in the lowest class only.

- (d) *A Government servant of the fourth grade.*—Lowest class.

*Director General's Instructions.*—When a passage by sea is provided departmentally under the Director General's orders, the accommodation for Military Telegraphists not holding the rank of Non-Commissioned Officers will be regulated in accordance with Army Regulations, India, Volume X, viz.:—Deck passage, when proper awnings are supplied and when between-deck accommodation cannot be provided, is considered sufficient for details of British and Indian soldiers in health proceeding on short voyages to Madras, Burma, Karachi, Vingorla, Beypore and other adjacent ports, on such vessels as guarantee shelter between-decks, or its equivalent on deck, in case of bad weather. Second class accommodation should not be provided for soldiers unless in rare and exceptional circumstances; the local authorities at the port of embarkation must use their discretion in deciding on the class of accommodation to be provided, each case being considered by them on its own merits with special reference to the strength of the troops and other attending circumstances.

[Para. 378 of Telegraph Manual, Vol. II (1916).]

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owance.

**S. R. 41.** Except in the case of journeys on transfer (the rules about which are contained in Section XI), the mileage allowance admissible to a Government servant of the first, second or third grade is  $1\frac{2}{3}$  the fare at the lowest rate of the class in which he is entitled to accommodation. The mileage allowance admissible to a Government servant of the fourth grade is the fare of the lowest class.

In cases where the steamer company has two rates of fare, one inclusive and one exclusive of diet, the word 'fare' in this rule should be held to mean fare exclusive of diet.

*Government of India's Ruling.*—The fare charged by the steamer company, *minus* the rebate allowed to the Indian passengers who do not partake of the food supplied by the company represents the fare without diet which is admissible to both Indian and Non-Indian passengers alike. The fact that Non-Indians do not obtain this rebate does not affect the question. (The ruling has been accepted by the Government of India, Finance Department.)

[A. G. P. T. No. Mis.-925/J.-1-II, dated 25th July 1924.]

*Director General's Instructions.*—A Post and Telegraph officer of the third grade should on the occasion of a journey by the steamers of the Bombay Steam Navigation Company, between Bombay and Ratnagiri and the adjoining places, be allowed to travel by the upper class and to draw under S. R. 41, in the case of journeys on tour, one upper class and  $\frac{2}{3}$ ths of a lower class fare.

**S. R. 42.** In cases of doubt or in which, owing to the arrangement of classes on a steamer, the provisions of rule 40 if strictly construed involve hardship, a competent authority may decide, for journeys generally or for particular journeys, to what class of accommodation a Government servant is entitled; and whether, if a concession is sanctioned, he should be granted the full allowance admissible for the higher class in which he is permitted to travel.

Special  
concession

*Director General's orders.*—The Director General, Posts and Telegraphs, under S. R.-42 sanctions the grant to the Sub-Divisional Officers, Telegraphs, and Engineering Supervisors of the concession of a single 1st class fare actually spent in travelling 1st class on board the steamers plying between Sylhet and Derai, Derai and Kadirganj and Kadirganj and Fenchuganj where there is no second class accommodation in connection with their journey on duty, the extra two fares or  $\frac{2}{3}$ ths fare, as the case may be, being granted at the lower rate ordinarily admissible under the rules.

[D. G. P. T. No. 1453-Est.-A./29, dated 11th March 1930.]

**S. R. 43.** The rules in this sub-section apply to Government servants who cross a river or arm of the sea by steamer in the course of a journey, unless such crossing occurs during a railway journey and the charge for it is included in the railway fare. In the latter case, the crossing is treated as part of the railway journey.

Crossing  
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**S. R. 44.** If suitable accommodation on a Government vessel is offered to a Government servant, he is entitled to travelling allowance under rule 180 and not to mileage allowance. It is not open to him to refuse to accept such accommodation and to draw mileage allowance.

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#### SUB-SECTION (IV).—MILEAGE ALLOWANCE FOR JOURNEYS BY ROAD.

**S. R. 45.** For the purpose of these rules, travelling by road includes travelling by sea or river in a steam launch or in any vessel other than a steamer and travelling by canal.

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**S. R. 46. (a)** For journeys by road, mileage allowance is calculated at the following rates for each mile travelled :—

- A Government servant of the first grade—8 annas;*
- A Government servant of the second grade—4 annas;*
- A Government servant of the third grade—2 annas; and*
- A Government servant of the fourth grade—1 anna.*

(b) When a Government servant travels within the territories administered by a local Government which has fixed special rates for Government servants under its administrative control, he must draw mileage allowance at the rate fixed for a Government servant drawing the same pay in those territories, and when he travels within the jurisdiction of the following minor administrations, his mileage allowance will be at the rate fixed for a Government servant drawing the same pay in the province noted opposite :—

Chief Commissioner and Agent to the Governor General, North-West Frontier Province . . .	Punjab.
Chief Commissioner and Agent to the Governor General, Baluchistan . . . . .	"
Chief Commissioner, Delhi . . . . .	"
Chief Commissioner, Ajmere-Merwara and Agent to the Governor General, Rajputana . . . . .	"
Agent to the Governor General, Central India . . .	"
Resident, Mysore . . . . .	Madras.
Resident, Hyderabad . . . . .	"
Agent to the Governor General in the States of Western India . . . . .	Bombay.
Agent to the Governor General, Madras States . . .	Madras.

**NOTE.**—A non-gazetted police officer who receives an advance for meeting the expense of a road journey is not entitled to draw mileage allowance under this rule but if he draws no advance, he will be eligible for the mileage allowance ordinarily admissible.

*Government of India's Orders.*—The rates in force in the Punjab in respect of mileage and daily allowances are made applicable to Gwalior with effect from 1st June 1923.

[G. I. F. D. No. 1543-C. S. R., dated 27th Aug. 1923.]

*Government of India's decisions*—

(1) The Government of India have decided that officers of the Central Government travelling within territories administered by the Madras Government should, in the circumstances in which they would be entitled to allowances under Supplementary Rules 116 (a) II (iii), be granted an extra single road mileage instead of those allowances, to compensate them for the cost of transporting personal effects by road. (Under the travelling allowance rules framed by the Madras Government, their officers are not eligible for mileage allowance for the transport of personal effects and consequently, no rates have been framed by the Local Government for transport of

personal effects by road. They are, however, eligible under Rule 2 of Madras Travelling Allowance rules for mileage allowance for journeys by road at thrice the rates admissible for a journey on tour as against twice the rates admissible for Government of India servants under Supplementary Rule 116 (a) II (i), the difference of a single mileage being presumably intended to compensate for the cost of transport of personal effects by road).

[G. I. F. D. No. F./180-C. S. R./24, dated 16th Oct. 1924.]

(2) For the purpose of determining the rates of road mileage and daily allowance admissible under Supplementary Rules 46 (b) and 51 (b) to officers of the Central Government stationed in Burma at places other than Rangoon, Note 1 to Annexure 1 of the Burma Travelling Allowance Rules shall be held to apply. The Rangoon Compensatory Allowance, sanctioned in the Government of India Finance Department, Resolution No. D-5067-C. S. R., dated the 10th October 1924, as amended by Resolution No. F. 8-IV-R. I./28, dated the 12th June 1928 (Appendix No. 4 to the Manual of Appointments and Allowances of officers of the Indian Posts and Telegraphs Department) shall similarly be included in 'pay' for the same purpose.

[G. I. F. D. Resolution No. F./9 (83)-R. I./28, dated 17th Sept. 1928.]

(3) A Government servant to whom the Supplementary Rules made by the Governor General in Council under the Fundamental Rules apply is entitled, when travelling within the territories administered by a Local Government, to the same rates of mileage and daily allowance under S. R. 46 (b) and 51 (b), as have been fixed by the Local Government for Government servants under its administrative control drawing the same pay.

The rules apply not only to journeys performed in 'special localities', but also to all journeys in localities under the jurisdiction of a Local Government.

[G. I. F. D. letter No. F./9 (85)-R. I./28, dated 11th Oct. 1928.]

(4) The classes of officers of the Indian Posts and Telegraphs Department mentioned in the statement below have been specially classed by the Government of India, from time to time, in the first or the second grade for purposes of travelling allowances as shown therein. In consequence, however, of the withdrawal of the option hitherto exercised by Government servants under the Central Government while travelling within the territories administered by a Local Government, which has fixed special rates for Government servants under its administrative control, to elect Central Government rate of road mileage when they are more favourable than Local Government rates—*vide* Supplementary Rule 46 (b) as modified by Finance Department Correction Slips No. 92 (S. R.), dated the 20th January 1927, these classes of officers are now only entitled to road mileage at the rates fixed for a Local Government servant



drawing the same pay in those territories. The Governor General in Council is pleased to order that the classes of officers of the Indian Posts and Telegraphs Department mentioned in the statement below shall be allowed to draw road mileage under Supplementary Rule 46 (a), when the rates admissible under that rule are more favourable than those admissible under the operation of Supplementary Rule 46 (b).

*First Grade.*

Telegraph (including Wireless)—

- (1) Assistant Superintendent, Workshops.
- (2) Assistant Divisional Engineer, Wireless.
- (3) Telephone Engineers.
- (4) Assistant Engineers.
- (5) Assistant Electricians.
- (6) Officers of the Second Division of Superior Traffic Branch.

Post Office—

- (1) Superintendents including those employed as Assistant Postmasters-General and Assistant Director, Posts and Telegraphs, Sind and Baluchistan.

*Second Grade.*

Telegraph (including Wireless)—

- (1) Engineering Supervisors.
- (2) Electrical Supervisors.
- (3) Assistant Cable Foreman.

... .. selected for the posts of Assistant Divisional

**No. 114.**

*Page 186, S. R. 46—*

*Insert the following as item (1) of " Auditor General's decisions " under this rule, the existing entry being numbered (2):—*

" (1) With the concurrence of the Government of India, the Auditor General, has decided that a Government servant under the administrative control of the Central Government entitled to special rates of daily allowance under Appendix 25, C. S. R., may, in lieu of that special rate, draw the rate prescribed under Rule 51 (b) if the latter be more favourable and that in regulating the rates prescribed under Rule 46 (b) the conditions and the restrictions, if any, prescribed by Local Governments for drawing such allowances should also be held to apply."

[Ar. G.'s U. O. I. No. 416-A/122-24, dated 2nd July 1924.]

(No. 114, dated the 25th July 1931.)

communicated in Financial Adviser's No. 101-P. T., dated 24th April 1925, [*vide* G. I. order (2) below F. R. 51].

[A. G. P. T. No. Mis.-1232/Sec.-219 (a), dated 2nd Sept. 1926.]

(2) For the purpose of Supplementary Rules 46 (b) and 51 (b), the Local Government's definition of the word 'pay' should be adopted.

[A. G. P. T.'s letter No. Mis.-1053/Sec.-219 (a), dated 17th July 1928.]

**S. R. 47.** A competent authority may, for special reasons to be recorded, allow to a particular Government servant or class of Government servants mileage allowance at a higher rate than is prescribed in rule 46. Special concession.

**S. R. 48.** In calculating mileage allowance for journeys by road, fractions of a mile should be omitted from the total of a bill for any one journey but not from the various items which make up the bill. Treatment of fractions of a mile.

## SECTION VI.—DAILY ALLOWANCE.

**S. R. 49.** A daily allowance is a uniform allowance for each day of absence from headquarters, which is intended to cover the ordinary daily charges incurred by a Government servant in consequence of such absence.

**S. R. 50.** Unless in any case it be otherwise expressly provided in these rules, a daily allowance may be drawn while on tour by every Government servant whose duties require that he should travel, and may not be drawn except while on tour. General rule as to drawing of daily allowance.

**S. R. 51. (a)** Daily allowances are drawn on the following scale :— Rates of daily allowance.

- (i) *A Government servant of the first grade.*—Rs. 5.
- (ii) *A Government servant of the second grade.*—As. 4 for every Rs. 25 or fraction of Rs. 25 subject, in the case of officers drawing not more than Rs. 500, to a maximum of Rs. 3. The daily allowance for officers drawing pay exceeding Rs. 500 but not exceeding Rs. 750 is Rs. 4.
- (iii) *A Government servant of the third grade.*—As. 2 for every Rs. 12½ or fraction of Rs. 12½ of his pay, subject to a minimum of As. 6 when travelling in the Bombay Presidency and of As. 4 elsewhere.
- (iv) *A Government servant of the fourth grade.*—As. 3 if he travels in more than one province and As. 2 if he travels in one province only.

(b) When a Government servant travels within the territories administered by a local Government which has fixed special rates of daily allowance for Government servants under its administrative control, he must draw daily allowance at the rate fixed for a Government servant drawing the same pay in those territories, and when he travels within the jurisdiction of the following minor administrations, his daily allowance will be at the rate fixed for a Government servant drawing the same pay in the province noted opposite :—

Chief Commissioner and Agent to the Governor General, North-West Frontier Province . . .	Punjab.
Chief Commissioner and Agent to the Governor General, Baluchistan . . . . .	"
Chief Commissioner, Delhi . . . . .	"
Chief Commissioner, Ajmere-Merwara and Agent to the Governor General, Rajputana . . . . .	"
Agent to the Governor General, Central India . . .	"
Resident, Mysore . . . . .	Madras.
Resident, Hyderabad . . . . .	"
Agent to the Governor General in the States of Western India . . . . .	Bombay.
Agent to the Governor General, Madras States . . .	Madras.

*Government of India's orders—*

(1) The Government of India have sanctioned the following scale of mules for the conveyance of private effects of officers of the Posts and Telegraphs Department while on tour in the Bhamo, Myitkyina and Putao districts and in the Mogok sub-division of the Katha district in Burma for a further period of one year with effect from the 1st December 1924 or for such longer period for which the Local Government may renew the sanction in respect of their officers without any modification of the existing concessions :—

Designation of officers.	Maximum number of mules allowed to each.
Postmaster-General and Director, Telegraph Engineering . . . . .	12
Divisional Engineer, Telegraphs . . . . .	10
Assistant Divisional Engineer, Telegraphs . . . . .	5
Assistant Engineer, Telegraphs . . . . .	
Deputy Assistant Engineer, 1st Class . . . . .	4
Deputy Assistant Engineer, 2nd Class . . . . .	
Engineering Supervisors on pay of Rs. 220 per month and over . . . . .	3
Engineering Supervisors on pay less than Rs. 220 . . . . .	2
Superintendents of Post Offices . . . . .	4*
Inspectors of Post Offices . . . . .	2

This concession is subject to the same conditions as have been laid down in respect of officers of the Burma Government in their

\* The maximum number of mules has been increased to 5 with effect from 1st April 1926.

letter No. 446-L.-23, dated 9th February 1924, and to the proviso that in accordance with the existing procedure officers supplied with free mules will be entitled to draw only daily allowances *admissible under the rules*. Following the precedent set up by the local Government, Post and Telegraph officers may be allowed the option of taking either transport and daily allowances as above or travelling allowances under the ordinary rules.

[Para. 1 of G. I., P. W. D., No. 1993-P. W., dated 16th Oct. 1922, para. 2 of G. I., P. W. D. Memo. No. 69-P. T., dated 6th Aug. 1924 and G. I., P. W. D. Memo. No. 122-P. T., dated 18th May 1925.]

(2) Pending revision of Appendix 25 of the C. S. R. the Directors, Telegraph Engineering and the P. Ms. G. should, for the purpose of S. R. 51 (b), rank as "Heads of Departments" *in the province in which they are employed* and they should be permitted to draw daily allowance at the rates admissible to the Local Government officers subject to the following conditions:—

- (a) that if in any province two rates of daily allowance are in force the lower rate should be applied; and
- (b) that the allowance should be subject to a maximum of Rs. 10 a day.

The date of effect of the order should be the date of its issue,  
 1924 AUG 11 1925

### No. 98.

Page 189, S. R. 51—

Insert the following as item (4) of "Government of India's orders" under this rule:—

"The Governor General in Council is pleased to accord his

### No. 115.

Page 189, S. R. 51—

Insert the following as item (5) of "Government of India's orders" below this rule:—

"(5) The Government of India are pleased to direct that the menials, *viz.*, record-sorters, daftries, jamadars, daffadars and peons employed in the Government of India Secretariat and in the moving and non-moving attached and subordinate offices shall received in future while on tour, a uniform rate of daily allowance of eight annas for days on which they travel by rail or steamer, and six annas per diem for other days during the tour."

[G. I., H. D., No. F.-583-III-Ests., dated 21st October 1922 and No. F.-357/23-Ests., dated 11th August 1923.]

(No. 115, dated the 25th July 1931.)

(1) See also...

(2) Supplementary Rule 51 (5) would cover any rate for special journey or special localities which are regulated on pay basis and the employees of a camp Post Office should get the rates of Daily

Allowance allowed to men on equal pay accompanying the Governor on tour.

[A. G. P. T.'s letter No. Mis.-762/T.-10-24, dated 18th June 1928.]

Exceptions.

**S. R. 52.** A competent authority may, for reasons which should be recorded and on such conditions as it may think fit to impose, sanction for any Government servant or class of Government servants a daily allowance higher or lower than that prescribed in rule 51, if it considers that the allowance so prescribed is inadequate or excessive.

[For a list of special rates of daily allowance, see Appendix 18.]

*Government of India's orders—*

(1) The special rates of daily allowance under Appendix 25, Civil Service Regulations, will continue in force so far as officers whose pay is debitable to Central Revenues and who are not under the administrative control of a Governor in Council acting as the agent of the Governor General in Council are concerned.

[G. . F. D. Res. No. 854-C. S. R., dated 29th May 1923.]

(2) With effect from the 1st November 1927, the Postmaster General and the Director, Telegraph Engineering, Bombay Circle, are permitted to draw daily allowance at the rate of Rs. 9 a day.

[G. I. I. & L. D., No. 67-P. T. E., dated 23rd Nov. 1927.]

## SECTION VII.—ACTUAL EXPENSES.

Actual expenses not admissible except under specific rule.

**S. R. 53.** Unless in any case it be otherwise expressly provided in these rules, no Government servant is entitled to be provided with means of conveyance by or at the expense of Government, or to draw as travelling allowance the actual cost or part of the actual cost of travelling.

*Government of India's orders.*—The Rangoon Terminal Tax, limited to the amount actually paid in each case, shall be admitted in the travelling allowance bills of Government servants passing through Rangoon on duty.

[G. I. F. D. No. F.-51 (42)-C. S. R.-27, dated 26th July 1927.]

*Audit Instruction.*—Vide entry below S. R. 36.

## CHAPTER III.—TRAVELLING ALLOWANCE ADMISSIBLE FOR DIFFERENT CLASSES OF JOURNEY.

### SECTION VIII.—GENERAL.

Travelling allowance calculated with reference to the purpose of the journey.

**S. R. 54.** The travelling allowance admissible to a Government servant for any journey is calculated with reference to the purpose of the journey in accordance with the rules laid down in Sections IX to XX.

Recovery of cost of

**S. R. 55.** Unless in any case it be otherwise expressly provided in these rules, a Government servant making a journey for any purpose

is not entitled to recover from Government the cost of transporting his family or his personal luggage, conveyances, tents and camp equipage.

transporting personal luggage, etc.

**S. R. 56.** A competent authority may, by general or special order, direct that the ordinary rates of daily allowance or mileage allowance or both shall be increased either in a definite ratio or in any other suitable manner for any or all Government servants travelling in any specified locality in which travelling is unusually expensive.

Higher rates for journeys in expensive localities.

*Government of India's orders.*—With effect from 1st April 1928, Postal Signallers may draw a special allowance of Re. 1 per mile for journeys on transfer between Baltit and Misgar and *vice versa*.

[G. I. I. & L. D., No. 67-P. T. E., dated 20th Feb. 1928.]

**S. R. 57.** When a Government servant of a grade lower than the first grade is required by the order of a superior authority to travel by special means of conveyance, the cost of which exceeds the amount of the daily allowance or mileage allowance admissible to him under the ordinary rules, he may draw the actual cost of travelling in lieu of such daily or mileage allowance. The bill for the actual cost must be supported by a certificate, signed by the superior authority and countersigned by the controlling officer, stating that the use of the special means of conveyance was absolutely necessary and specifying the circumstances which rendered it necessary.

Journeys by special conveyance.

*Accountant General's decision.*—A question was raised as to (i) whether Inspectors of Post Offices have any claim to the concession of S. R. 57 in view of the provisions of S. R. 86 and of the enhanced rate of daily allowance prescribed for them and (ii) if so, whether the concession is admissible to them in respect of their ordinary inspection tours.

It was decided that—

- (i) Inspectors of Post Offices are not excluded from the benefits of S. R. 57.
- (ii) Where the only mode of conveyance is one which is more expensive than that which would ordinarily be used by an Inspector of Post Offices, the controlling officer may give the certificate under S. R. 57.
- (iii) Where there are alternative modes of conveyance including that which would ordinarily be used by the Inspector of Post Offices, the certificate under S. R. 57 can be accepted only if given in case of urgency.

[A. G. P. T.'s letter No. H. A.-1181/T-2-23, dated 25th March 1928.]

**S. R. 58.** A Government servant of the fourth grade, when travelling by sea or river steamer, may draw, in addition to mileage allowance, daily allowance at double the rate ordinarily admissible to him; provided that, whatever be the nature of other journeys which may be combined with the steamer journey, no further daily allowance may be drawn for any day for which this double allowance is drawn.

A Government servant of the fourth grade travelling by steamer.

## SECTION IX.—JOURNEY ON TOUR.

## SUB-SECTION (I).—GENERAL RULES.

**Definition of headquarters.** **S. R. 59.** The headquarters of a Government servant shall be in such place as a competent authority may prescribe.

**Limits of sphere of duty.** **S. R. 60.** A competent authority may define the limits of the sphere of duty of any Government servant.

**Definition of tour.** **S. R. 61.** A Government servant is on tour when absent on duty from his headquarters either within or, with proper sanction, beyond his sphere of duty. For the purposes of this section, a journey to a hill station is not treated as a journey on tour.

**NOTE.**—A District or Assistant Superintendent of Police is not held to be on tour when he visits a police station unless—

(a) he travels not less than twenty miles in one day, or

(b) he is absent from his headquarters for two or more consecutive nights and visits two or more police stations or posts.

*Accountant General's decision.*—The provisions of Article 58, Civil Service Regulations, may be held to be operative till fresh rules on the subject are framed by the Government of India.

[A. G. P. T. No. Mis.-3227/T.-139, dated 29th Jan. 1924.]

**S. R. 62.** In case of doubt a competent authority may decide whether a particular absence is absence on duty for the purpose of rule 61.

**Restrictions on the duration and frequency of tours.**

**S. R. 63.** A competent authority may impose such restrictions as it may think fit upon the frequency and duration of journeys to be made on tour by any Government servant or class of Government servants.

**Government servants who are not entitled to travelling allowance for journeys on tour.**

**S. R. 64.** If a competent authority declares that the pay of a particular Government servant or class of Government servants has been so fixed as to compensate for the cost of all journeys, other than journeys by rail or steamer, within the Government servant's sphere of duty, such a Government servant may draw no travelling allowance for such journeys, though he may draw mileage allowance or, if he be in inferior service, travelling allowance under rule 78, for journeys by rail or steamer. When travelling on duty, with proper sanction, beyond his sphere of duty, he may draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as is within his sphere of duty.

[For a list of officers who are not entitled to travelling allowance for journeys on tour, see Appendix 19.]

*Director General's order.*—In supersession of all previous orders on the subject it has been decided that an overseer in the Post Office (whether mail or cash overseer) will not be entitled to draw any travelling allowance for journeys within his jurisdiction except (i) a fixed horse allowance in cases in which such an allowance is specially sanctioned, (ii) the charges on account of ferry or other tolls and (iii) the actual fare for journeys by rail or steamer when

a free pass is not supplied. When travelling on duty with proper sanction, beyond his sphere of duty he will, however, be entitled to the ordinary travelling allowance admissible under the last sentence of Supplementary Rule 64.

[Part V of D. G.'s Circular No. 15, dated 21st June 1928.]

**S. R. 65.** The travelling allowance drawn by a Government servant on tour ordinarily takes the shape of either permanent travelling allowance or daily allowance, if either of these is admissible to him. Permanent travelling allowance and daily allowance may, however, in certain circumstances be exchanged for mileage allowance or for the whole or part of the actual cost of travelling. In certain other circumstances actual cost may be drawn in addition to daily allowance or for journeys for which no daily allowance is admissible.

General principles on which travelling allowance is drawn for journeys on tour.

**S. R. 66. (a)** A competent authority may prescribe the scale of Government tents to be supplied to any Government servant or class of Government servants for office or, if it think fit, for personal use.

Carriage of tents supplied by Government.

**(b)** When such tents are used by a Government servant on tour for office purposes only, they may be carried at Government expense. When used partly for office and partly for private purposes, the Government servant must, except as provided in rule 81, pay half the cost of carriage. When used wholly for private purposes, the Government servant must, except as provided in rule 81, pay the entire cost of carriage.

#### SUB-SECTION (II).—GOVERNMENT SERVANTS IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE.

**S. R. 67.** A permanent travelling allowance is intended to cover the cost of all journeys within the sphere of duty of the Government servant who draws it, and such Government servant may not draw any other travelling allowance in place of or in addition to permanent travelling allowance for such journeys; provided that :—

Actual expenses in addition to or in exchange for permanent travelling allowance.

- (1)** a Government servant of the fourth grade and any other class of Government servants to which a competent authority may extend this concession may draw, in addition to permanent travelling allowance, single fare for a journey by rail, and
- (2)** a competent authority may, by general or special order, permit a Government servant whose sphere of duty extends beyond the limits of a single district to draw, in addition to permanent travelling allowance, whenever his actual travelling expenses for a duly authorised journey by public conveyance exceed double the amount of his permanent travelling allowance for the period occupied in such journey, the difference between such double permanent travelling allowance and the mileage allowance calculated for the journey.

**S. R. 68.** When a Government servant in receipt of permanent travelling allowance travels on duty, with proper sanction, beyond his sphere of duty, he may draw mileage allowance for the entire

Mileage allowance in exchange for



manent  
travelling  
allowance.

journey, including such part of it as is within his sphere of duty, and may draw, in addition, permanent travelling allowance for any day of his absence for which he does not draw mileage allowance. This rule does not apply to a Government servant who travels beyond his sphere of duty in the course of a journey from one place within that sphere to another such place, or to a Government servant who makes, by road alone, a journey not exceeding 20 miles.

**SUB-SECTION (III).—GOVERNMENT SERVANTS NOT IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE.**

*Sub-Division (i)—Daily allowance.*

general rule.

**S. R. 69.** Except where otherwise expressly provided in these rules, a Government servant not in receipt of permanent travelling allowance draws travelling allowance for journeys on tour in the shape of daily allowance.

drawn during  
absence from  
headquarters on  
duty.

**S. R. 70.** Daily allowance may not be drawn except during absence from headquarters on duty. A period of absence from headquarters begins when a Government servant actually leaves his headquarters and ends when he actually returns to the place in which his headquarters are situated, whether he halts there or not.

allowance to  
be drawn for  
travelling  
before daily  
allowance is  
missible.

**S. R. 71.** Daily allowance may not be drawn for any day on which a Government servant does not reach a point outside a radius of five miles from his headquarters or return to his headquarters from a similar point.

halts on  
tour.

**S. R. 72.** Subject to the conditions laid down in rules 73 and 74, daily allowance may be drawn during a halt on tour or on a holiday occurring during a tour.

*Government of India's orders.*—The Government of India have decided to reaffirm the order—

(a) that a Government servant who takes casual leave—

**No. 97.**

Page 194, S. R. 72—

Substitute the following for clause (b) of the "Government of India's Orders" under this rule:—

"(b) Daily allowance is not admissible for any day, whether Sunday or holiday, unless the officer is actually and not merely constructively in camp."

[G. L. F. D., No. F.19 (33)-R. I/31, dated 9th April 1931.]

(No. 97, dated the 25th June 1931.)

or more than ten days at any one place; provided that a competent authority may grant general or individual exemptions from the operation of this rule, on such conditions as it thinks fit, if it is satisfied—

(a) that prolonged halts are necessary in the interests of the public service, and

- (b) that such halts necessitate the maintenance of camp equipage or, where no camp equipage is maintained, continue, after the first ten days, to entail extra expense upon the halting Government servant.

*Auditor General's orders.*—Menial servants employed in Auditor General's Office and the offices subordinate to him are exempted from the operation of Supplementary Rule 73.

[Ar. G.'s letter No. 223-N. G. E./47—29, dated 2nd February 1929.]

*Audit Instruction.*—The sanction of the competent authority for admitting daily allowance in excess of ten days would be necessary only when the number of full daily allowances drawn, inclusive of the half daily allowance under Supplementary Rule 76-A, exceeds ten; but the daily or half daily allowances, if any, admissible for the days of travel covered by Supplementary Rule 74 (c) should be excluded in calculating the ten daily allowances.

[Para. 5, Sec. II of Manual of Audit Instructions (1926).]

*Director General's orders.*—The menials of the Posts and Telegraphs Department are exempted from the operation of Supplementary Rule 73.

[D. G. P. T. Memo. No. 280-B., dated 8th Dec. 1923.]

**S. R. 74.** For the purposes of rules 71, 72 and 73 :—

- (a) After a continuous halt of ten days' duration, the halting place shall be regarded as the Government servant's temporary headquarters.
- (b) A halt is continuous unless terminated by an absence on duty at a distance from the halting place exceeding five miles for a period including not less than three nights.
- (c) In calculating the duration of a halt, any day on which the Government servant travels or halts at a distance from the halting place exceeding five miles shall be excluded. On such a day the Government servant may draw daily allowance or exchange it for mileage allowance if admissible.

*Sub-division (ii).*—*Mileage allowance and actual expenses in place of or in addition to daily allowance.*

**S. R. 75.** A competent authority may, by general or special order and on such conditions as it thinks fit to impose, permit any Government servant or class of Government servants to draw mileage allowance instead of daily allowance for the whole period of any absence from headquarters, if it considers that the nature of the Government servant's duty is such that daily allowance is not sufficient to cover his travelling expenses.

Exchange of daily allowance for mileage allowance during the whole period of a tour.

**S. R. 76.** (a) Subject to any conditions which a competent authority may by general or special order impose, a Government servant in

Exchange of daily allow-

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urneys.

superior service may exchange his daily allowance for mileage allowance on any day on which—

- (i) he travels by railway or steamer or both, or
- (ii) he travels more than 20 miles by road ;

provided that, if a continuous journey extend over more than one day, the exchange must be made for all such days and not for a part only of them.

**NOTE.**—Short journeys within a radius of five miles from headquarters may not be added to other journeys, when calculating the distance travelled by road or the amount of mileage allowance admissible for road journeys.

(b) When a journey by road is combined with a journey by railway or steamer under clause (a) (i) of this rule :—

- (i) Mileage allowance may be drawn on account of such journey by road, but such mileage is limited to the amount of daily allowance unless the journey by road exceeds twenty miles, and
- (ii) unless such journey by road be a journey to or from the Government servant's headquarters, mileage allowance shall be calculated on the distance actually travelled, without regard to the points fixed by or under rule 32.

**S. R. 76A.** As a partial exception to Rule 76, in the case of halts on tour, half the daily allowance ordinarily admissible under these rules may be drawn in addition to mileage allowance for journeys by rail, or by sea or river steamer, or by road, on the day of arrival of the Government servant at a place of halt, and on the day of departure, provided that no daily allowance will be admissible in respect of a place of halt from which a Government servant departs on the same day on which he arrived at it. This rule is applicable to halts made on tour by servants of the Central Government throughout India and the corresponding rules of local Governments have no application.

**NOTE.**—This rule is also applicable to officers who are entitled to daily allowances for halts on tour but whose journeys by rail are regulated by rules 92—104.

*Government of India's decision—*

(1) The expression 'same day' occurring in S. R. 76A should be interpreted to mean 'same calendar day' with reference to S. R. 2 (7).

S. R. 76A, being a partial exception to S. R. 76, applies only to cases in which an officer halts on any day in continuation of a railway or road journey for which he actually draws mileage under S. R. 76, i.e., the question of drawing a half daily allowance arises only if the halt is preceded or succeeded by a journey in respect of which an officer actually draws railway fares or road mileage or both.

[G. I. F. D. letter No. F-9-R.-I./28, dated 17th January 1928.]

(2) For the purpose of travelling allowance rules, the word 'halt' means a pause in the course of a journey on tour necessitated

by the performance of duty at an outstation. No half daily allowance is, therefore, admissible to a Government servant who stops at an outstation for rest in the course of a long journey, or spends the night at such outstation to catch the next available train on the following morning, or to resume his journey towards his destination by road in continuation of the previous day's journey by railway.

[G. I. F. D. letter No. F/9 (59)-R. I/30, dated 18th June 1930, to the Accountant General, Central Revenues.]

*Audit Instruction.*—When a Government servant's departure from one out-station A and arrival at another out-station B fall within the same calendar day, the natural interpretation of Supplementary Rule 76-A permits half daily allowance to be drawn twice over, once in respect of the halt at A and once in respect of the halt at B. It should be noted, however, that Supplementary Rule 76-A being a partial exception to Supplementary Rule 76, the question of drawing half daily allowance for any halt under the rule does not arise unless the halt is preceded or succeeded by a journey in respect of which an officer actually draws railway fares or road mileage or both, under Supplementary Rule 76.

[Para. 6, Sec. II of Manual of Audit Instructions (1926).]

*Accountant General's decisions—*

(1) An official on tour travelled more than 5 miles beyond his place of halt for a certain number of days and claimed half daily allowance *plus* mileage allowance for those days under S. R. 76-A. It was decided that S. R. 76-A has no application in this case as journeys from and to a place of halt where an official actually stops both morning and night do not constitute a departure from that place for the purpose of S. R. 76-A.

[A. G.'s orders, dated 23rd July 1927 in file D-1-23.]

(2) The rates held to be 'ordinarily admissible' under this rule are the local Government rates.

[A. G. P. & T.'s orders, dated 6th Nov. 1928 in file D-1-23.]

**S. R. 77.** Subject to any conditions which a competent authority may by general or special order impose, a non-gazetted ministerial or menial Government servant may, for any day on which he travels by public or hired conveyance under a certificate from the head of his office that he is required to do so, exchange daily allowance for mileage allowance.

**S. R. 78.** The following conditions are applicable to a Government servant in inferior service :—

(a) For a journey by railway, he may draw mileage allowance in addition to daily allowance.

(b) For a journey by sea or river steamer, he may draw travelling allowance under rule 58.

(c) For a journey by road, he may exchange daily allowance for mileage allowance if the journey exceeds 20 miles or the condition of rule 77 is fulfilled.

Travelling allowance admissible to a Government servant in inferior service.

- (d) For a journey by road combined with a journey by railway or by sea or river steamer, he may draw mileage allowance, limited as in rule 76 (b) (i) except as provided in rule 77, for the road journey, in addition to the allowances admissible under clause (a) or (b) of this rule.

NOTE.—Police constables to whom advances are made for railway and road expenses may draw, in addition, if otherwise entitled to it, the daily allowance admissible under this rule.

Actual expenses of maintaining camp during a sudden journey away from it.

S. R. 79. A competent authority may permit any Government servant, who is compelled by a sudden emergency to leave his camp and travel rapidly on duty to a place more than twenty miles distant, to draw, in addition to mileage allowance, the actual cost of maintaining his camp, whether the camp be moved or not; provided that the amount of actual cost drawn shall not exceed the daily allowance of his grade.

Actual expenses on first and last journey of an extensive tour.

S. R. 80. A Government servant entitled to daily allowance, whose sphere of duty extends over a whole province may, when making a journey of more than one hundred miles to the first or from the last camp of an extensive tour, recover, in lieu of the daily allowance admissible for the days occupied by such journey, the whole necessary cost of the journey, including the cost of transportation of camp equipment and of servants, horses, motor-cars, motor-cycles, bicycles and private baggage on such scale as a competent authority may prescribe.

Actual expenses of conveying camp equipment, etc.

S. R. 81. (a) When a competent authority is satisfied that it is in the interests of the public service that a particular Government servant on tour should send his horses, camels, motor-cars, motor-cycles, bicycles or camp equipment by railway or steamer, or by country craft when no steamer service exists capable of conveying the goods or animals or when such means of carriage is cheaper or more expeditious it may, by special order in each case, permit him to recover, in addition to mileage allowance or daily allowance or both, the actual cost or part of the actual cost of transporting them.

NOTE 1.—In the case of a motor-car, the cost of transporting a chauffeur or cleaner, and for each horse the cost of transporting one syce and one grass-cutter may be drawn.

NOTE 2.—The term motor-cycle in this rule includes a side-car.

NOTE 3.—When a motor car is transported by steamer, the actual cost of transporting it may for purposes of this rule, include, besides the freight, other incidental charges such as ghat pass, river dues, loading and unloading charges.

(b) A competent authority may by general or special order prescribe limitations on the weight of camp equipment and the number of conveyances and animals to be carried at Government expense under clause (a) of this rule by a particular Government servant or class of Government servants.

*Government of India's orders.*—The Government of India have delegated to Heads of Circles in the Indian Posts and Telegraphs Department the power to permit the recovery of the actual cost of

conveying camp equipment, horses, camels, motor cars, etc., under Supplementary Rule 81 (a), if a scale of camp equipment and the number of conveyances and animals to be carried at Government expense has been prescribed by the Director General, Posts and Telegraphs, under Supplementary Rule 81 (b)

The Heads of Circles should invariably obtain the Director General's orders whenever their own expenditure is involved.

[G. I. I. & L. D. letter No. 27-P. T. E., dated 3rd July 1923.]

**S. R. 82. (a)** The following provisions are applicable to—

- (i) officers and men of railway police;
- (ii) Government servants, other than train staff or running establishment, attached to open lines of State railways, including medical subordinates;
- (iii) Government examiners of railway accounts and their establishments;
- (iv) Government inspectors of railways and their establishments;
- (v) permanent way inspectors temporarily transferred from open lines to unopened construction lines, to whom the Railway Board may declare them to be applicable; and
- (vi) any other Government servant or class of Government servants, whose duties involve constant travelling by railway, to whom a competent authority may declare them to be applicable.

Government servants whose duties require them to travel constantly by railway.

**(b)** When such a Government servant makes a journey by railway on tour :—

- (i) He is entitled either to a free pass under the free pass-rules of the railway or to the fares for himself and the servants and baggage accompanying him which a free pass would cover.
- (ii) He may draw daily allowance for any day on which he is absent from his headquarters for more than eight consecutive hours.
- (iii) He may not exchange for mileage allowance the allowances admissible under sub-clauses (i) and (ii) of this clause.
- (iv) If he combines with a railway journey a journey by steamer or road, he may, if he travels to a place distant at least five miles from the point where he leaves the railway or returns to the railway from a place similarly distant, draw mileage allowance for the journey by steamer or road, in addition to daily allowance, if any, admissible under this rule or under rule 58; provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration of his absence from his headquarters.

**S. R. 83.** The provisions of rule 82 apply to inspectors of maintenance on State railways; provided that, in their case, the period of

Inspectors of maintenance

on State  
railways.

absence from headquarters by which daily allowance may be earned is a period of more than four hours between 9 p.m. and 5 a.m. Before daily allowance can be drawn, the controlling officer must certify that the inspector was so absent in special circumstances.

Railway and  
Telegraph  
servants  
travelling on  
unopened  
line of rail-  
way.

**S. R. 84.** (a) A Government servant of the Telegraph Department or of a State railway, unless he be a member of the Government Inspectors' Department or attached to an open line of railway, when travelling on an unopened line by trolley, material train or engine, draws, in addition to the actual cost of haulage, if any, the following special mileage allowance for each mile travelled :—

- (i) *If a Government servant of the first grade—1½ annas.*
- (ii) *If a Government servant of the second grade—9 pies.*
- (iii) *If a Government servant of the third or fourth grade—3 pies.*

(b) The allowances prescribed in clause (a) of this rule are intended to meet the entire cost of travelling, and no other allowance may be drawn in lieu of or in addition to them except in the following cases :—

- (i) When the Government servant travels more than twenty miles, partly by road and partly by trolley, etc., he may draw mileage allowance under clause (b) of rule 76, rule 77 or rule 78 for the journey by road in addition to the special mileage allowance for the journey by rail.
- (ii) When he travels not more than twenty miles, partly by road and partly by trolley, etc., he must draw daily allowance for the whole journey in lieu of the special mileage allowance; provided that :—
  - (1) If the special mileage allowance admissible exceeds his daily allowance, he may draw the special mileage allowance.
  - (2) If the conditions of rule 77 are fulfilled, he may draw mileage allowance under that rule for the journey by road in addition to special mileage allowance.
- (iii) When he remains absent from his headquarters for a night, he may, at his option, draw daily allowance in lieu of any mileage allowance that is admissible under clause (a) of this rule.
- (iv) When the conditions of rule 79 are fulfilled, he may draw actual cost under that rule in addition to any other allowance that is admissible under this rule.

Postal  
officials.

**S. R. 85.** The following provisions apply to Deputy Postmasters General, Superintendents and Inspectors of the Railway Mail Service, when they travel on duty by railway within the limits of the lines to which they are attached :—

- (a) For a journey by railway, they are entitled to free conveyance and may draw in addition a single fare of the lowest class.

for one servant on their certifying that the fare was actually paid.

- (b) For a continuous absence from headquarters of not less than six hours, they may draw daily allowance in addition; provided that, when the six hours fall partly in one and partly in another calendar day, they may earn further daily allowance by another journey for one only of the two days.
- (c) For a journey by road combined with a journey by railway they may draw mileage allowance, irrespective of the distance travelled; provided that the time spent on such journey shall be deducted in calculating the duration of absence from headquarters.

*Government of India's orders—*

(1) The Government of India have sanctioned with effect from 1st April 1922 the grant of a daily allowance of Rs. 5-8 (instead of Rs. 4 at present admissible) to Inspectors, Railway Mail Service, who are not attached to any particular railways or lines, for journeys on tour in territories where the Local Governments or Administrations have enhanced the rate of daily allowance for their officers by 50 per cent. or more over the rate ordinarily admissible.

[G. I. P. W. D. letter No. 2204-P. W., dated 20th Nov. 1922.]

The principle, laid down in the second sub-paragraph of item (2) of Government of India's orders below, should be adopted in the case of the Inspectors, Railway Mail Service referred to above.

[F. A. P. T.'s endorsement No. 59-P. T., dated 23rd Aug. 1923.]

(2) The Government of India have sanctioned with effect from 10th November 1922 the grant of a daily allowance at the enhanced rate of Rs. 8 to the Superintendents, Railway Mail Service (including Personal Assistants to Deputy Postmaster General, Railway Mail Service) who are employed in the Foreign Mail Division, or who are on deputation beyond the limits of the Railways and lines to which they are attached, for journeys on tour in territories where the Local Governments or Administrations concerned have enhanced the rate of daily allowance for their officers by 50 per cent. or more over the rate ordinarily admissible.

For journeys on tour in areas where the Local Governments or Administrations have *not* enhanced the rates of daily allowance for their officers by 50 per cent. or more over the ordinary rates, the rate of daily allowance should be Rs. 6 (as in the old rule in paragraph 2 of Article 1068, C. S. R.). In addition to this they should be allowed free conveyance.

[G. I. P. W. D. letter No. 2144-P. W., dated 10th Nov. 1922, and F. A. P. T.'s letter No. 59-P. T., dated 23rd Aug. 1923.]



(3) Superintendents and Assistant Superintendents, Railway Mail Service, and Inspectors of Sorting when travelling by road, either wholly or in combination with railway journeys, are entitled, for the road journey, to ordinary mileage allowance under Articles 1033 to 1035 of the C. S. R. This allowance will be in addition to the daily allowance admissible for journeys by railway, under Article 1068, C. S. R., but in calculating the duration of absence from headquarters, the time spent on the road journey must be neglected.

[G. I. F. D. No. 6454-C. S. R., dated 9th Dec. 1910, page 117 of Posts and Telegraphs Supplement to C. S. R., and A. G. P. T.'s No. Mis.-2505/Sec.-281, dated 2nd Mar. 1925.]

*Accountant General's decisions—*

(1) The daily allowance of Superintendents, Railway Mail Service, who are attached to any Railways or lines should be restricted to Rs. 4 (the rate fixed in Appendix 25 to C. S. R.) even when they merely pass through Local Government tracts and in railway trains. In cases of actual halts at these places, there is no objection to pass daily allowance at Local Government rates.

**No. 92.**

*Page 202, S. R. 86-A—*

*Insert the following as a new rule:—*

**“ S. R. 86-A.** As a partial exception to Rule 86, an Inspector of Post Offices may, in cases where two stations are connected by railway as well as by public motor service, claim, in addition to his daily allowance, the actual fare paid to the motor company for himself and his orderly subject to the condition that in no case should the motor fare exceed the railway fare claimable under the preceding rule.

[G. I., F. D., Correction No. 176 (S. R.), dated the 9th May 1931.]

(No. 92, dated the 25th May 1931.)

*Page 202, S. R. 86—*

*Insert the following as “ Government of India's decision ” under this rule:—*

**“ Government of India's decision.**—The Governor General in Council is pleased to decide that the concessions admissible to the Inspectors of Post Offices under this rule should also be allowed to the Investigating Inspectors, Wireless.”

[D. G., P. & T., Memorandum No. 985-Est./A.-30, dated 9th March 1931.]

(No. 72, dated the 25th April 1931.)

travel by public or hired conveyance or if he is employed on special duty.

- (ii) Whenever his actual travelling expenses for a journey to or from the field, or for any other journey on which he has to travel with camp equipment, exceed the mileage allowance calculated for the journey under the ordinary rules, he may draw such actual expenses in place of daily allowance. In calculating actual expenses, he may include the cost of transporting, whether by public or hired conveyance or otherwise, both himself and such scale of servants, baggage and camp equipment as the Governor General in Council may prescribe: provided that—

- (1) in applying this rule a journey must be treated as a whole, and a Government servant may not draw actual expenses for a part of a journey and mileage allowance for the remainder; and
- (2) actual expenses may not be drawn under this rule for a journey in the field by road only unless the conditions of sub-clause (1) of this clause are fulfilled.

- (iii) Whenever, for such part of a month as he spends in the field, the actual cost of carrying camp equipment and baggage on the scale prescribed under sub-clause (ii) above exceeds half the amount of daily allowance admissible for the month, he may retain half of his daily allowance and exchange the other half for such actual cost.

(c) Actual expenses under clause (b) of this rule must be drawn on a bill prepared in detail and countersigned by the sanctioning authority.

S. R. 83. With the sanction in each case of the Director of the Geological Survey of India Department may be granted the concessions specified in rule 87 (b) (ii) on the condition prescribed in clause (c) of that rule. The second proviso under clause (b) (ii) is not applicable to such a case. Geological Survey of India.

S. R. 88A. As a partial exception to rules 87 and 83, in the case of halts on tour, half the daily allowance ordinarily admissible under these rules may be drawn in addition to mileage allowance or actual expenses as the case may be, on the day of arrival of the Government servant at a place of halt and on the day of departure, provided that no daily allowance will be permissible in respect of a place of halt from which a Government servant departs on the same day on which he arrived at it. This rule is applicable to halts made on tour by servants of the Central Government throughout India and the corresponding rules of local Government have no application.

*Sub-Division (iii).—Travelling allowance admissible for journeys and halts within five miles of headquarters.*

S. R. 89. A competent authority may, by general or special order, permit any Government servant or class of Government servants to hire Conveyan

draw the actual cost of hiring a conveyance on a journey for which no travelling allowance is admissible under these rules.

[For a list of special cases in which conveyance hire has been granted, see Appendix 20.]

*Government of India's decisions—*

(1) Supplementary Rule 89 is designed, as was Article 1082 of the Civil Service Regulations, to cover cases in which it is equitable to allow Government servants to draw the actual cost of conveyance where the circumstances are not exactly covered by any other existing rule. It is, therefore, applicable to cases in which a Government servant's transfer from one office to another within the same station is accompanied by a change in residence.

[G. I. F. D. U. O. Dy. No. 3350-C. S. R., dated 17th Sep. 1927.]

(2) A first class Head Postmaster, who is not provided with a conveyance at Government expense, may draw, with effect from the 1st February 1928, travelling allowance in respect of inspections performed by him within the radius of five miles at the following rates:—

- (i) When he uses his own motor car,—Annas three a mile;
- (ii) When he uses his own motor cycle,—Annas two a mile;
- (iii) When he hires a conveyance,—Actual cost of hire of the whole or part of a conveyance subject to a limit of annas four a mile.

*This sanction should be considered as an experimental measure.*

[G. I. I. & L. D. No. 67-P. T. E., dated 15th Feb. 1928.]

(3) The Government of India have delegated to Heads of Circles in the Indian Posts and Telegraphs Department the power to permit recovery of the actual cost of hiring a conveyance up to a limit of Rs. 5 in each case, when no travelling allowance is admissible under Supplementary Rule 89.

The Heads of Circles should invariably obtain the Director General's orders whenever their own expenditure is involved.

[G. I. I. & L. D. letter No. 27-P. T. E., dated 3rd July 1928.]

*Director General's orders—*

(1) It has been decided that the conveyance hire claimed by the Investigating Inspectors of Post Offices should not in future be treated as contingent expenditure but should be drawn in travelling allowance bill form on receipt of the Director General's sanction to the charge under S. R. 89.

[D. G. P. T. No. 158-B./24, dated 23rd May 1925.]

(2) See clause (b) of Director General's Instruction (2) below S. R. 114.

**S. R. 90.** A Government servant travelling on duty within five miles of his headquarters is entitled to recover the actual amounts which he may spend in payment of ferry and other tolls and fares for journeys by railway or other public conveyance.

Ferry charges, tolls and railway fare.

**S. R. 91.** On the following conditions and any other conditions which it may think fit to impose, a competent authority may, by general or special order, permit any Government servant or class of Government servants to recover the actual cost of maintaining camp equipage during a halt at headquarters or within five miles of headquarters or during the interval between the Government servant's departure from or arrival at headquarters and that of his camp equipage :—

Actual expenses of maintaining camp equipage during a halt at headquarters.

- (a) The amount drawn, together with any amounts recovered under rule 90, should not exceed the daily allowance of his grade.
- (b) The period of the halt or interval for which it is granted should not exceed twenty-one days in Sind or Rajputana or ten day elsewhere. An absence on duty from the halting place for less than three nights should not be treated as interrupting the halt or interval.
- (c) The Government servant must certify that he has maintained the whole or part of his camp equipage during the halt or interval and that the expense of maintenance has not been less than the amount drawn. In the case of a non-gazetted or menial servant, the head of the office must certify that such maintenance was necessary.

*Sub-Division (iv)—Special rules for high officials.*

**S. R. 92.** When a Government servant for whom special railway accommodation is provided or who is entitled, under these rules, to reserve railway accommodation by requisition, travels in such reserved accommodation on tour :—

High officials travelling by reserved railway accommodation.

- (a) the entire cost of haulage is borne by Government.
- (b) Unless it be otherwise expressly provided in this sub-section—
  - (i) the Government servant must pay the usual fares for any persons travelling with him in the reserved accommodation and, if Government pays full tariff rates for the reserved accommodation, such fares must be credited to Government;
  - (ii) if the Government servant desires additional accommodation for his staff or luggage, he must make arrangements with the railway administration for the provision of such accommodation, the haulage and other charges being met at his expense or, in the case of His Excellency the Viceroy and Governor General, from his contract allowance;

- (iii) the Government servant is entitled to draw no travelling allowance for the journey unless he be entitled to permanent travelling allowance.

**S. R. 93.** Clause (b) (i) of rule 92 does not apply to His Excellency the Viceroy and Governor General.

Members of  
the executive  
council of the  
Governor  
General.

**S. R. 94.** If it is impossible for a member of the executive council of the Governor General, when travelling by railway on duty, to arrange to travel by a train which is not a mail train, and if the railway authorities are unable to attach his reserved carriage to a mail train, he is entitled to order a special train at the expense of Government.

**S. R. 95. (a)** A member of the executive council of the Governor General, when travelling by railway on duty, is entitled, without payment, to—

- (i) accommodation for personal servants up to a maximum number of ten, and
- (ii) free carriage of all luggage for which he vouches as his personal luggage, including stores carried for consumption on tour whether carried in the luggage van of the train to which his reserved carriage is attached or sent by any other train.

**(b)** Freight charges for goods and for stores other than those covered by clause (a) of this rule must be met by the member himself.

**S. R. 96.** A member of the executive council of the Governor General, when travelling on tour, may recover the cost of carrying a motor-car under the conditions specified in rule 81; provided that the Governor General in Council is satisfied that the car has been employed, for all practical purposes, only as a means of performing, in the public interest, a journey off the line of railway. In cases where the presence of his car with the member has, apart from the advantages to Government of the particular tour or journey, saved him expense in hiring a conveyance or served his personal convenience to an appreciable extent, he must pay one-fifth of the cost of carriage.

**S. R. 97.** A member of the executive council of the Governor General, when travelling on duty by road or steamer, may recover his actual travelling expenses, appending to his bill a certificate to the following effect :—

“ I certify that I have actually paid the amount of this bill and that it does not include any charge for the freight of any stores or goods, other than any personal luggage, or any charge for refreshments, hotels or staging bungalows.”

For the purposes of this rule, stores carried for consumption on tour may be treated as personal luggage.

**S. R. 98.** *Cancelled.*

**S. R. 99.** *Cancelled.*

**S. R. 100.** A political resident of the first class, when travelling by railway in a reserved ordinary first class carriage, may recover, if travelling within his sphere of duty, the actual cost of conveying servants up to a maximum number of twelve and of luggage up to 25 maunds. When travelling outside his sphere of duty, the limit of servants is four and of luggage 10 maunds.

Political residents of the first class

**S. R. 101.** A Government servant who is entitled, under rule 170 or 171, to reserve by requisition a first class compartment, may recover, when travelling by railway in such a compartment, his actual travelling expenses up to a maximum of  $\frac{2}{3}$ ths first class fare.

Government servants who are entitled to reserve by requisition a first class compartment.

**S. R. 102.** The Chief Engineer with the Railway Board, when travelling by railway in reserved accommodation, may draw the allowances prescribed in rule 82 (b) (ii), (iii) and (iv).

The Chief Engineer with the Railway Board.

**S. R. 103.** The Political Resident at Baroda, when touring by railway, may recover the actual cost of transporting two horses, if he is visiting outlying districts where local arrangements cannot be made for supplying means of travelling by road.

The Political Resident at Baroda.

**S. R. 104.** Except where otherwise expressly provided in these rules, the amount of luggage which may be transported, free of cost, by a Government servant travelling in reserved accommodation, is the amount covered by the number of tickets which a member of the public would have to purchase in order to reserve such accommodation.

Amount of luggage admissible.

## SECTION X.—JOURNEY OF A NEWLY-APPOINTED GOVERNMENT SERVANT TO JOIN HIS FIRST POST.

**S. R. 105.** Except as otherwise provided in this section, travelling allowance is not admissible to any person for the journey to join his first post in Government service.

General rule.

**S. R. 106.** A competent authority may permit any person, whether appointed to a temporary or a permanent post, to draw travelling allowance for the journey to join his first post in Government service, provided that it is in the interests of Government that the particular person should be appointed to the particular post; and may issue general orders permitting the grant of travelling allowance for a similar journey to persons appointed to specified posts or services requiring technical or professional qualifications.

Exception.

### *Government of India's orders—*

The Governor General in Council is pleased to issue the following general orders under rule 106 of the Supplementary Rules. The orders will have effect from the 1st January 1922.

Travelling allowance for the journey to join his first post in Government service, from the place where he receives the order of

appointment, may be drawn by a Government servant in the following circumstances :—

- (a) Any person appointed to any Department of Government in any capacity requiring technical skill or knowledge for which he has been specially trained may draw travelling allowance under Supplementary Rules 112 and 113.
- (b) A Chaplain appointed to the service of Government while resident in India may draw travelling allowance under Supplementary Rules 112 and 113.
- (c) Computers and copyists of the Computing Party of the Trigonometrical Branch Office at Dehra Dun and Computers of Astronomical Parties, and students of the Schools of Art and other Government schools who are appointed as draftsmen in the Survey of India Department, may, under the special order of the Surveyor General of India in each case, draw travelling allowance not exceeding actual expenses.

[G. I. F. D. Res. No. 114S-E. B., dated 26th Sep. 1922.]

Concession to persons re-employed in Government service.

**S. R. 107.** When a pensioner, or a Government servant who has been thrown out of employment owing to a reduction of establishment or the abolition of his post, is reappointed to Government service, the authority which sanctions his reappointment may permit him to draw travelling allowance for so much of his journey to join his new post as falls within India.

Concession to persons joining by sea.

**S. R. 108.** When a person is appointed to a post in Government service which he cannot join except by sea, a competent authority may grant him a free passage by sea from one part of India to another such part.

Concession to subordinates recruited for the Andamans.

**S. R. 109.** When a person is appointed in India to subordinate Government service in the Andaman or Nicobar Islands, the authority making the appointment may grant him a free passage by sea for himself and family.

**S. R. 109A.** The following rules apply to members of the Police Force in the Andaman and Nicobar Islands :—

Deck passages without diet by sea or river steamer and third class accommodation by rail are admissible—

- (a) To the families of subordinate officers (including Subadar Majors, Subadars and Jemadars) for the initial journey to Port Blair on payment of one-third of the passage money and railway fare.
- (b) To the families of non-commissioned officers and men who have received permission from the Commandant of the Force to bring their families to the Andamans for the initial journey free of charge.

**NOTE 1.**—(The Commandant's power to give such permission is limited to 72 per cent. of the total strength of non-commissioned officers and men.)

NOTE. 2.—(The term "family" for the purpose of this rule includes, besides children and one wife, one relative.)

S. R. 110. When a person not already in Government service is appointed to be a member of the executive council of the Governor General, he is entitled, when travelling by railway to join his post, to the concession described in rule 117.

Concession to members of the executive council of the Governor-General.

S. R. 111. Any person appointed, while resident in Europe, by the Secretary of State in Council to Government service in India, other than a person whose case is covered by rules made by the Secretary of State in Council under section 85 or 104 of the Act, may draw mileage allowance for the journey to join his first post from any port in India at which, with the permission of the Secretary of State, he may disembark.

Concession to persons appointed in Europe.

S. R. 112. Travelling allowance under rules 106 and 107 should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

Rates of travelling allowance under this section.

S. R. 113. When mileage allowance is drawn under rules 106, 107 and 111, the rate admissible is that of the grade to which the Government servant will belong after joining his post.

*Government of India's orders.*—Please see item (2) of "Government of India's orders" under S. R. 18.

## SECTION XI.—JOURNEYS ON TRANSFER.

S. R. 114. Travelling allowance may not be drawn under this section by a Government servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A transfer at his own request or in consequence of misconduct should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise direct.

General conditions of admissibility.

*Government of India's decision.*—Travelling allowance as for a journey on tour (as defined in Director General's instruction under this rule) may be drawn by the officials of the Indian Posts and Telegraphs Department deputed from outside stations to work in casual leave vacancies in the telegraph branch of combined Post and Telegraph Offices, where although the sanctioned clerical and signalling establishment consists of more than two men, it is not possible to make local arrangements to fill up such vacancies.

[G. I. C. D. Memo. No. 2352, dated 21st May 1920.]

### *Audit Instructions—*

(1) See Audit Instruction (1) below F. R. 44.

(2) See Audit Instruction (2) below F. R. 44.



(3) When a Government servant is transferred otherwise than for the public convenience, a copy of the order of transfer should be sent to the Audit Officer of the circle of audit in which he is serving, with an endorsement stating the reasons for the transfer. In the absence of such an endorsement, the Audit Officer shall assume that the Government servant has been transferred for the public convenience.

In the case of non-gazetted Government servants a certificate from the head of the office will be accepted in lieu of the copy of the order of transfer.

[Para. 7, Sec. II of Manual of Audit Instructions (1926).]

*Director General's Instruction—*

In supersession of all previous orders on the subject, the following rules are laid down regulating the grant of travelling allowances to postal and telegraph officials who are deputed from one office to another to work in vacancies caused by the absence of

- (i) officials on casual leave,
  - (ii) officials attending court as witnesses and
  - (iii) officials appearing at Departmental Examinations,
- in single or two handed offices (sub or branch post offices, combined post and telegraph offices or Departmental Telegraph Offices):—
- (a) An official deputed beyond a radius of 5 miles from his headquarters may be granted the travelling allowance admissible under the rules governing journeys *on tour*.
  - (b) If deputed within a radius of 5 miles, actual expenses only are admissible under Rule 89 of the Supplementary Rules.

These orders will have effect from the 1st August 1928.

[D. G. P. & T.'s Circular No. 20, dated 26th Sep. 1928.]

General rule. **S. R. 115.** A Government servant may draw mileage allowance for a journey on transfer, including transfer from military to civil employ.

Special **S. R. 116. (a)** Unless in any case it be otherwise expressly

**No. 131.**

*Page 210, S. R. 116—*

*Substitute the following for the existing clause (a) I (i) of this rule:—*

- “(i) He may draw three fares at the lowest rate of the class of accommodation to which his grade entitles him.”

[G. I., F. D., Correction No. 182 (S. R.), dated the 10th August 1931.]

(No. 131, dated the 25th August 1931.)

- (iii) He may draw the actual cost of transporting by goods train, steamer or other craft personal effects up to the following *maxima* :—

Grade of Government servant.	MAUNDS.	
	If travelling alone.	If accompanied by family.
First . . . . .	40	60
Second . . . . .	20	30
Third . . . . .	12	15

Provided that a competent authority may prescribe lower *maxima* in the case of any specified class of Government servants.

NOTE 1.—If a Government servant carries his personal effects by passenger, instead of by goods train, he may draw the actual cost of carriage up to a limit of the amount which would have been admissible had he taken the maximum number of maunds by goods train.

NOTE 2.—A Government servant who, for valid reasons carries his personal effects by road between stations connected by rail may be allowed, by a competent authority, to draw actual expenses up to the limit of the amount which would have been admissible had he taken the maximum number of maunds by goods train.

(iv) Provided that—

- (1) the distance travelled exceeds 80 miles ;
- (2) the Government servant is travelling to join a post in which the possession of a conveyance or horse is advantageous from the point of view of his efficiency ; and

[A list of officers by whom the possession of free conveyances may be considered to be in the interests of the public service and who are entitled to recover the actual cost of transporting their conveyances on transfer under this rule, is given in Appendix No. 21.]

- (3) conveyances or horses are actually carried by rail, steamer or other craft ;—

he may draw the actual cost of transporting at owner's risk conveyances and horses on the following scales :—

Grade of Government servant.	Scale allowed.
First . . . . .	Two horses, and a carriage or motor-car or motor-cycle.
Second . . . . .	A carriage and a horse ; or a motor-cycle and a horse ; or a motor car.
Third . . . . .	One horse or a motor-cycle or ordinary cycle.

NOTE 1.—In the case of a motor-car, the cost of transporting a chauffeur or cleaner, and for each horse the cost of transporting one syce and one grass-cutter may be drawn.

NOTE 2.—When a conveyance or a horse is transported by steamer, the actual cost of transporting it may, for purposes of this rule, include, besides

the freight, other incidental charges such as ghat pass, river dues, loading and unloading charges.

**EXCEPTION.**—A Government servant who travels by a Government steamer is not entitled, for the journey by steamer, either to mileage allowance under rule 115 or to the concessions allowed by this clause. He is entitled to free transport of himself, his family, servants and their *bona fide* personal effects, and of conveyances and horses subject to the limits prescribed in sub-clause (iv); and may draw in addition the daily allowance of his grade.

**NOTE 3.**—On occasions when a Government servant is authorised to convey his motor car or motor cycle by rail at the public expense, he may do so by passenger train or goods train at his option. In the former case the actual freight charged by the Railway Company may be drawn by the Government servant. In the latter case, i.e., if the car or cycle is despatched by goods train, the Government servants may draw, in addition to the freight charged by the Railway Company, the cost of packing and of transporting the packed car or cycle to and from the goods shed at the stations of departure and arrival, provided that the total amount so drawn shall not exceed the freight charged for transporting the car or cycle by passenger train.

**NOTE 4.**—The concession admissible under Note 3 applies *mutatis mutandis* to a Government servant of the third grade who carries an ordinary cycle.

**NOTE 5.**—When a Government servant transports his motor car or motor cycle by road under its own power between stations connected by rail or steamer or partly by rail and partly by steamer, he may draw an allowance of two annas a mile in respect of the motor car and one anna a mile in respect of the motor cycle, the distance to be reckoned for the purpose of this concession being limited to the distance between the stations by rail or steamer or both combined, as the case may be. If the Government servant himself travels by the car or cycle, he may draw the fares admissible under clause (a) i (i). For any member of his family who travels by the car or cycle, the Government servant may draw the extra fare or half fare which would have been admissible under clause (a) i (ii) if the member had travelled by rail or steamer.

## II.—For a journey by road.

- (i) He may draw mileage allowance at twice the rate applicable to him under rule 46 or any rate, applicable to him, which has been fixed under rule 47, as the case may be.
- (ii) He may draw additional mileage allowance at the rate applicable to him under rule 46 or any rate, applicable to him, which has been fixed under rule 47, as the case may be, if two members of his family accompany him, and at twice that rate if more than two members accompany him.
- (iii) For the transportation of personal effects within the limits prescribed in sub-clause I (iii) of this clause, he may draw mileage allowance at a rate to be fixed by a competent authority. This rate will be calculated on the average cost of conveying goods by the cheapest method of conveyance.

(b) The following explanations are given of terms employed in clause (a) of this rule :—

- (i) The term “personal effects” is not subject to definition, but the controlling officer must satisfy himself that a claim

to reimbursement on account of transportation is reasonable.

- (ii) The term " motor cycle " includes a side-car.
- (iii) A member of a Government servant's family who follows him within six months from the date of his transfer or precedes him by not more than one month may be treated as accompanying him. If such member travels to the new station from a place other than the Government servant's old station, the Government servant may draw either the actual fare for the journey made or the fare admissible for the journey from the old to the new station, whichever is less. For the purposes of this rule, the grade of a Government servant should be determined with reference to the facts on the date of his transfer while the number of fares admissible should be determined with reference to the facts on the date of the journey in respect of which the travelling allowance is claimed.

(c) Tents supplied by Government are transported at the expense of Government. Tents purchased and maintained by a Government servant himself may be transported at the expense of Government; provided that they do not exceed a scale to be prescribed in this behalf by a competent authority as suitable to a particular Government servant or class of Government servants. If they exceed this scale, the excess may be treated as a part of personal effects.

(d) A Government servant who claims higher travelling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the numbers and relationship of the said members.

(e) A Government servant claiming the cost of transporting personal effects, a conveyance or a horse, must support his claim by a certificate that the actual expense incurred was not less than the sum claimed. Such a certificate must give details of the conveyances or horses transported.

NOTE.—While furnishing the declaration of actual expenses, the Government servant should state the weight of personal effects actually carried and the amount actually paid for their transport separately by rail, road, steamer or other craft and the Controlling Officer shall record a certificate that he has scrutinised the details and satisfied himself that the claim is reasonable.

#### *Government of India's decisions—*

(1) (a) Claims preferred under S. R. 116 (a) I (iii) for the carriage of personal effects should be paid at the owner's risk rate.

[G. I. F. D. No. F./50-C. S. R./24, dated 15th Sep. 1924.]

(b) Charges for the transport of personal effects of an officer on transfer may be admitted in audit if they do not for good and sufficient reasons accompany him but are carried within a reasonable time before or after the date of his journey on transfer.

[G. I. F. D. letter No. 51-E. B., dated 18th Jan. 1915; *Vide* page 120 of the Post and Telegraph Supplement to the C. S. R.]

(2) In cases where a Government servant is transferred from Station A to Station B and is again transferred within a reasonably short time to another Station C, he may be allowed under Supplementary Rule 116 (a) I (iii) to recover the cost of carriage of personal effects from Station A to Station C subject to the conditions (1) that the total weight carried from Station B to Station C and from Station A to Station C does not exceed the maximum limit prescribed in the rule and (2) that the total cost of transporting the effects from Station A to Station B, from Station B to Station C and from Station A to Station C does not exceed the amount admissible from Station A to Station B *plus* that admissible from Station B to Station C.

[G. I. F. D. No. F-294-C. S. R./25, dated 7th Oct. 1925.]

(3) The principle of Supplementary Rule 30 (c) should be applied in cases of transport of motor car by officers on transfer [*vide* S. R. 116 (a) I (iv) (3)], even if the officer and his car take different routes.

[G. I. I. & L. D. No. 243-P. T/24, dated 15th Jan. 1925.]

(4) With reference to Supplementary Rule 116 (a) II (iii), the Government of India have decided that the rates for the conveyance of personal effects of Government servants under their administrative control should be the same as the rates fixed by local Governments and Chief Commissioners for Government servants under their administrative control in the areas under them.

[G. I. F. D. No. 1191-C. S. R., dated 20th Oct. 1922.]

(5) (a) To entitle an officer to travelling allowance under clause (b) (iii) of Supplementary Rule 116 on account of any member of his family subsequently joining him, the journey should commence within six months of the officer's making over charge at the old station and end within six months of his taking charge at the new station.

(b) Heads of offices, when passing charges under this rule, should bear in mind that the scale laid down in the *maximum* admissible, and that they may not pass the full scale unless they are convinced both of its *reasonableness* and of its *necessity*. The mere fact that the charges billed for have been actually incurred (though it must, of course, be ascertained in all cases) is not of itself a valid reason for their being borne by Government.

[U. O. R. No. 133, dated 23rd May 1911, to Government, F. D., Bombay—*vide* page 121 of P. & T. Supplement to C. S. R.]

(6) A question was raised whether an officer transferred during the absence of his family at a hill station is entitled to claim travelling allowance for them when they subsequently join him. It was decided by the Government of India that there is no objection to the grant of family travelling allowance even if the officer's family were, at the time of his transfer, not residing with him

at the same station, provided that the journey to the new station is made within 6 months of the officer's transfer and that the amount of such travelling allowance admissible for their journey shall be actual fares or the fares between the officer's old and new stations whichever is less. In such cases the higher amounts for personal effects specified in Article 1094 (A) (iii), Supplementary Rule 116 (a) I (iii), will be admissible.

[G. I. F. D. No. 435-E. B., dated 5th Mar. 1921.]

(7) The Government of India have decided that travelling allowance under Supplementary Rule 116 (b) (iii) should be regulated with reference to the actual facts at the time of the journey in respect of which the travelling allowance is claimed.

[Ar. G.'s No. 635-A./200-24, dated 14th Oct. 1924.]

#### *Auditor General's Decisions—*

(1) With the concurrence of the Government of India it has been decided that there is no objection to Heads of Departments continuing to exercise the powers which were delegated to them in Government of India, Finance Department letter No. 1090-E. B., dated the 9th August 1918, in respect of officers under the administrative control of the Central Government.

[Ar. G.'s No. 961-A./348-23, dated 11th Sept. 1923.]

(2) There is no objection to a motor car being deemed a part of personal effects [*vide* S. R. 116 (a) I (iii)] in cases where an officer is not entitled (under Appendix 21) to its free transport in addition to personal effects.

[Ar. G.'s No. 900-T., dated 16th Oct. 1920—page 120 P. & T. Supplement to C. S. R.]

#### *Accountant General's decisions—*

(1) In determining what items should be included in the "actual cost of transporting" a motor car [*vide* S. R. 116 (a) I (iv) (3)] the definition of "actual travelling expenses" in Supplementary Rule 2 (1) should be taken as the guiding principle. It should include such charges as "landing charges" which a steamship company may charge as levies by the Port Commissioners, Municipalities, etc., but not packing charges, commission charged by agents, etc.

[A. G. P. T. No. Mis.-2504, dated 12th Nov. 1923.]

(2) Children under 12 years of age should be considered as "members of family."

[A. G. P. T. No. Mis.-3199/F.-90 (a), dated 11th Nov. 1922.]

(3) An officer appointed to a new post proceeded on leave on average pay for four months from 5th March 1923 to 4th July 1923, after making over charge of his old post on 4th March 1923. He was in transit from 5th July 1923 to 13th July 1923 and joined his new post on 14th July 1923. On 25th October 1923 he submit-

ted a supplemental travelling allowance bill in respect of travelling allowance for his son who followed him to the new station on 14th October 1923. The question arose as to whether his son could be considered to have "followed him within six months from the date of his transfer." It was decided that as the officer's transfer was not complete until he joined his new post, the travelling allowance claimed in respect of his son was admissible under Supplementary Rule 116 (b) (iii).

[A. G. P. T. No. Mis.-2854/T-139, dated 17th Dec. 1923.]

(4) Audit officers may exercise the right to call for receipts or vouchers in cases in which the expenditure appears to be unusually large, that is to say, in cases in which there are grounds for suspicion (*vide* Article 75, Civil Account Code, Vol. I).

[A. G. P. T. Nos. 54/H. A. G.-39, dated 26th April 1924, and 329/H. A. G. 39, dated 11th Sept. 1924.]

#### *Director General's Instructions—*

(1) Between-deck or second class accommodation should always be provided for women and children, the families of British soldiers, proceeding from port to port in India, whether accompanied by the husband or not; the local authorities at the port of embarkation must use their discretion in deciding on the class of accommodation to be provided, each case being considered by them on its own merits with special reference to the strength of the troops and other attending circumstances (Army Instructions, India Vol. X).

[Para. 37½ of Telegraph Manual, Vol. II (1916).]

(2) Every claim for the actual cost of transporting personal effects made in a travelling allowance bill on transfer should be supported by receipts and vouchers, whenever possible in respect of the expenditure incurred. The Railway and Steamer authorities grant receipts for the charges actually paid when personal effects etc., are booked by rail or steamer and there should be no difficulty in producing the receipts in such cases.

[D. G. P. T.'s (P. O.) G. O. No 2, dated 10th April 1924.]

(3) A Post and Telegraph officer of the third grade should on the occasion of a journey by the steamers of the Bombay Steam Navigation Company, between Bombay and Ratnagiri and the adjoining places, be allowed to travel by the upper class and to draw under S. R. 116 (a) I, in the case of journeys on transfer, one upper class and two lower class fares for himself *plus* an upper class fare for each member of his family accompanying him, provided they actually travel by the upper class.

[D. G. P. T.'s letter No. 258-B-I/27, dated 17th Mar. 1927.]

(4) An officer of the Indian Posts and Telegraphs Department moving between Simla and Delhi and claiming travelling allowance under the Supplementary Rules may submit a transport contractor's receipt in support of the claim for the actual cost of transport-

ing personal effects made by him in his travelling allowance bill. In such cases, the actual expenses will be limited to the amount which would be admissible for the carriage of the maximum number of maunds prescribed in S. R. 116 (a) I (iii) for a Government servant of his grade at the rate actually charged by the contractor, and will be further limited to the amount which would have been admissible had he taken the maximum number of maunds by goods train. The officer countersigning such travelling allowance bill should satisfy himself that the weight charged for in the bill was actually carried.

[D. G. P. T.'s letter No. 605-Est. A./28, dated 16th Mar. 1929.]

**S. R. 116A.** A Government servant in superior service transferred to the orders of competent authority.

### No. 132.

Page 217, S. R. 116-A—

Substitute the following for the existing clause (2) of this rule:—

“(2) one and two-fifths fares at the lowest rate of the class of accommodation to which his grade entitles him from his old to his new headquarters;”

[G. I., F. D., Correction No. 182 (S. R.), dated the 10th August 1931.]

(No. 132, dated the 25th August 1931.)

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II (1).

For the journeys from his old headquarters to the place of handing over charge, or from the place of taking charge to his new headquarters he will draw travelling allowance as for journeys on tour.

**S. R. 116B** A Government servant in superior service whose

### No. 133.

Page 217, S. R. 116-B—

Substitute the following for the existing clause (2) of this rule:—

“(2) one and two-fifths fares at the lowest rate of the class of accommodation to which his grade entitles him from his old to his new headquarters;”

[G. I., F. D., Correction No. 182 (S. R.), dated the 10th August 1931.]

(No. 133, dated the 25th August 1931.)

II (1).

**S. R. 116C.** If the family of a Government servant, in consequence of his transfer, travels to a station other than the new headquarters, travelling allowance for the journey of the family may be drawn subject to the condition that it does not exceed the travelling allowance that would have been admissible if the family had proceeded to the new headquarters station.



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**S. R. 117.** When a Government servant appointed to be a member of the executive council of the Governor General or a political resident of the first class, travels by railway to join his post, he may, at his option, travel on the following terms, in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer :—

(a) Any accommodation which he will be entitled, under section

### No. 51.

Page 218. S. R. 117—

Insert the following as an "Audit Instruction" below this rule :—

"*Audit Instruction.*—When once a Government servant appointed to be a Member of the Executive Council of the Governor General, or a Political Resident of the first class, exercise the option to be governed by the terms in S. R. 117, he ceases to have any claim to any of the concessions, for example, the claim of transporting his personal effects and conveyance from his old to his new station, admissible under S. R. 116."

[G. I., F. D., Memo. No. F/11-21-R. I/30, dated 14th January 1931.]

[Manual of Audit Instructions (1926), No. 158.]

(No. 51, dated the 25th April 1931.)

### No. 73.

Page 218, S. R. 117—

Insert the following as "Government of India's decision" under this rule :—

"*Government of India's decision.*—The concession admissible in the case of certain high officers under this rule was sanctioned for reasons of prestige, and as these reasons hold good even in cases where the Government servant concerned holds one of the appointments referred to in that rule in an officiating capacity, the concession is admissible in such cases also."

[G. I., F. D., letter No. F./9 (74)-R. I./30, dated 1st August 1930.]

[No. 73, dated the 25th April 1931.]

... service when  
... another, are entitled, if accompanied  
... to mileage allowance at the following special rates :—

- (a) For a journey by railway or steamer; double fare of the lowest class.
- (b) For a journey by road; two annas for each mile travelled.
- (c) For a journey by boat; one anna for each mile travelled.

Inferior  
servants.

**S. R. 122.** Except as provided in rule 121, a Government servant in inferior service is entitled on transfer to draw travelling allowance as for a journey on tour.

**S. R. 123.** A Government servant appointed to a new post while in transit from one post to another is entitled to draw travelling allowance under this section for so much of the journey on transfer as he has accomplished when he receives the fresh orders and for the journey from the place at which he receives such orders to his new station. Government servant appointed to a new post while in transit.

*Accountant General's decision.*—A Government servant, who was transferred to a new station on the expiry of his leave on average pay, received revised orders to resume duty at the old station while he was in transit. He had however despatched his family and personal effects to the new station before receipt of the revised orders. The question for decision was whether he is entitled to travelling allowance for his family and to the cost of transporting his personal effects for the journeys from the old station to the new station and back. As the principle of Supplementary Rule 123 is that a Government servant should be reimbursed the expenditure he has actually incurred on a transfer from which he has been diverted and as Supplementary Rule 116 (b) (iii) permits a family to go in advance which implies that some personal effects at any rate must also go in advance, it was decided that the payment of family Railway fares and cost of transport of personal effects is just as much expenses of a Government servant's interrupted transfer as his own expenses would be and the claim was consequently held to be admissible.

The case mentioned above should, however, be distinguished from a case in which a transfer was cancelled before the official concerned had handed over charge of his post. In such a case there would be no transfer at all, and the rules would not permit any reimbursement whatsoever.

[A. G. P. T.'s No. Mis.-2640/T.-139-VII, dated 18th Mar. 1926.]

**S. R. 124.** A Government servant who goes on leave on average pay, not exceeding four months, after he has given over charge of his old post and before he has taken charge of his new post is entitled, whether the order of transfer is received before or after the commencement of his leave, to travelling allowance under this section as for a journey from his old to his new post : Government servant taking short leave before joining a new post.

Provided that in the case of conveyances and horses it must be certified by the Government servant that the conveyance or horse was possessed by him at his old station prior to his proceeding on leave.

**NOTE.**—Travelling allowance under this rule may be drawn in respect of transportation of personal effects, conveyances and horses to the new headquarters from a place other than the old headquarters; provided that the travelling allowance so drawn shall not exceed that admissible for a journey from the old to the new headquarters.

*Auditor General's decision.*—In the case of an officer who is transferred to a new station while on leave on average pay in excess of 4 months where the excess over 4 months is covered by the war concession referred to in the Note to Fundamental Rule 81,

travelling allowance is admissible under Supplementary Rule 124 (and not under Supplementary Rule 126).

[Ar. G.'s No. 45-A./9-23, dated 16th Jan. 1924.]

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**S. R. 125.** A Government servant who takes leave other than leave on average pay not exceeding four months while in transit from one post to another may draw travelling allowance under rule 115 and rule 116 (a) I (i) and (ii) and II (i) and (ii) for so much of the journey to join the new post as he has accomplished before the order granting his leave is received, in addition to any allowance admissible under rule 126.

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**S. R. 126.** When on return from leave, other than leave on average pay not exceeding four months, a Government servant is stationed at a headquarters other than that at which he was stationed when he went on leave, the controlling officer may permit him to recover travelling allowance under sub-clauses I (iii) and (iv) and II (iii) of rule 116 (a) as for a journey from his old to his new station :

Provided that in the case of conveyances and horses it must be certified by the Government servant that the conveyance or horse was possessed by him at his old station prior to his proceeding on leave.

**NOTE.**—Travelling allowance under this rule may be drawn in respect of transportation of personal effects, conveyances and horses to the new headquarters from a place other than the old headquarters; provided that the travelling allowance so drawn shall not exceed that admissible for a journey from the old to the new headquarters.

**S. R. 126A.** When a Government servant under the administrative control of the Governor General in Council is transferred to the control of a Government which has made rules prescribing amounts and conditions of travelling allowance, his travelling allowance for the journey to join his post under that Government and for the return journey will be governed by the rules of that Government regulating travelling allowance on transfer.

## SECTION XII.—JOURNEY TO A HILL STATION.

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**S. R. 127.** Special rules, which are not included in these rules, govern the grant of travelling allowance to Government servants moving to hill station with the headquarters of a Government.

*Government of India's orders—*

(1) The move of the Financial Adviser, Posts and Telegraphs, with the headquarters of the Government of India should be regulated by the rules in the Simla Allowance Code.

[G. I. F. D. letter No. 715-F. E., dated 27th March 1924.]

(2) The staff of the camp post offices (excluding menials), who accompany the Provincial Governors to and from their summer headquarters, may be granted travelling allowance, according to the scales prescribed for those journeys by the respective Local Governments for their own officials instead of as for journeys on tour.

[G. I. I. & L. D. No. 67-P. T. E., dated 18th April 1927.]

**S. R. 128.** A Government servant, other than a Government servant moving with the headquarters of a Government, who travels on duty to a hill station within his sphere of duty or is required by the orders of a superior authority to travel to a hill station on duty, may draw travelling allowance during his absence as for a journey on tour. Such a Government servant will, however, forfeit all claim to travelling allowance for the journey and halt, other than permanent travelling allowance, if he prolongs his stay at the hill station beyond a period of ten days or the period necessary for the performance of the duty on which the journey is made, whichever is less; provided that a competent authority may preserve the Government servant's claim to travelling allowance by—

Journey made under the orders of superior authority.

- (a) sanctioning a halt in excess of ten days, and
- (b) officially intimating that his presence was required on duty throughout the period or that he was permitted to extend his stay during holidays immediately following his period of duty.

*Audit Instruction.*—The audit instruction under Supplementary Rule 73 should apply to cases covered by Supplementary Rule 128 also.

[Para. 11A, Sec. II of Manual of Audit Instructions (1926).]

**S. R. 129.** When a Government servant is permitted for his own convenience to perform his duties at a hill station, he is not entitled to daily allowance or mileage allowance for the journey to or from such station or for the period during which he halts at it.

A Government servant performing his duties at a hill station for his own convenience.

*Government of India's orders—*

(1) (i) Postmasters General are permitted to reside at the summer headquarters of Local Governments subject to the following conditions:—

- (a) In no case should the stay of a Postmaster General at a hill station exceed five months in a year. No extra expense should be caused to the State in consequence of such residence and no travelling allowance should be drawn for any direct journey between a hill station and the headquarters during the hill season.
- (b) Journeys from headquarters to the hill station and *vice versa* should not ordinarily be combined with inspections. If they are so combined the usual travelling allowance admissible for the journeys may be drawn but the travelling allowance ordinarily due for a direct journey between the hill station and the permanent headquarters should be deducted from the total amount claimed.
- (c) Tours of inspection may be undertaken from the hill station and full travelling allowance drawn for these journeys, provided that the total amount involved does not exceed the amount which would have been admissible had those

inspections been carried out from the regular headquarters.

- (d) Journeys from a hill station to a particular station and back should not normally be undertaken. When, however, such journeys are unavoidable on account of urgent Government business, travelling allowance may be drawn in respect thereof, provided that no extra expense is caused to the State by the fact of the stay at the hill station instead of at the regular headquarters. In such cases the reasons for the journey should be recorded in the travelling allowance bill for the information of the countersigning authority and that of the audit officer.

(ii) The restrictions in paragraph (i) above do not apply to the Postmaster General, Central Circle, in respect of his journeys to and from Mount Abu, which should not be considered either as his headquarters or his hill station. The duration of his stay at this station should not, however, be less than three weeks or more than thirty days in a year and the other conditions laid down in this Department letter No. 11-P. T., dated 21st July 1923 [reproduced as paragraph (iv) of this item], will be applicable to his visit.

(iii) Directors, Telegraph Engineering, are permitted to reside at the summer headquarters of a Local Government for a period not exceeding in the aggregate three months in a year, provided that no expense thereby is caused to the State and subject to the same restrictions about journeys from and to hill stations as prescribed for Postmasters General in paragraph (i) above.

[G. I. I. & L. D. No. 67-P. T. E., dated 26th Nov. 1927.]

(iv) It has been decided by the Government of India that the duration of the stay of the Postmaster General, Central Circle, at Mount Abu, should be limited to not less than 3 weeks or more than one month (or 30 days) in the year. They have also decided:—

- (a) That Mount Abu should not be considered in any way as the headquarters or hill station of the Postmaster General.
- (b) That he should be charged rent for the Government quarters occupied by him at Nagpur throughout the year.
- (c) That he should be eligible to draw—
  1. travelling allowance for his journeys both to and from Mount Abu;
  2. halting allowance for the first 10 days only of his halt at Mount Abu; and
  3. ordinary travelling allowance for any tours he may make from Mount Abu during the period of his stay there.

[G. I. I. & L. D. No. 11-P. T., dated 21st July 1923.]

(2) Deputy Postmasters General of the Postal and Traffic branch are permitted to visit hill stations during the summer for

a period not exceeding two months in a year, subject to the following conditions:—

- (i) that no extra expenditure to the State is involved, and
- (ii) that the rules regarding journeys to hill stations are applied to these officials.

[G. I. I. L. D. No. 127-P. T., dated 14th Sept. 1925.]

(3) The first Deputy Director General, Post Office, is allowed to reside at Simla during the entire period for which the Director General's headquarters are at that place.

[G. I. F. D. No. 3979-P., dated 22nd July 1902, and page 124 of P. & T. Supplement to C. S. R.]

(4) 1. In the case of officers serving under the Central Government visits to hill stations on recess should be governed by the following conditions:—

- (i) The total period per annum for which the officer is to be allowed to recess, and the hill station or stations in which he may spend the recess, should be fixed by a general order of the Department concerned and communicated to the audit officer.
- (ii) The total period may be split up into two periods under the general or special order of the Department concerned, likewise communicated to the audit officer.
- (iii) The dates of commencement and conclusion of the period, or periods, of recess should be fixed by the Department either annually or subject to condition (iv) for a period of years, and should be communicated by the Department to the audit officer in time to reach him before they are acted upon. Any modification of these dates should be communicated promptly by the Department to the audit officer.
- (iv) The dates should, as far as possible, be so fixed that they will include any period during which the officer's presence is likely to be required at the hill station for the purpose of consultation, attendance at Committee Meetings, conferences or the like.
- (v) The officer, as is laid down in Supplementary Rule 129, will draw neither daily allowance nor mileage allowance for his journeys to or from the hill station, and will draw no daily allowance for the periods of halt at the hill station.
- (vi) The staff accompanying the officer should be limited to one clerk or stenographer and one peon, but in special cases two peons may be allowed with previous concurrence of the Finance Department. When a recess is split up into two periods the staff should be limited to one peon for the shorter of the two periods.

- (vii) This staff will be entitled to travelling allowance at tour rates for their journeys to and from the hill station. The clerk or stenographer will be granted daily allowance at full rates for the first ten days of his halt at the hill station and at half rates thereafter. The peons or peons will draw daily allowance at full rates for the entire period of halt.

2. The above conditions will take effect from the 1st January 1930, existing orders remaining in force meantime.

3. Officers of the Central Government present in Simla during the Simla season fall into one or other of the three following categories :—

- (a) Officers who for official reasons are required to move with the headquarters offices of the Government of India.
- (b) Officers visiting Simla on a tour of official duty.
- (c) “Recessing officers”, i.e., officers who mainly for their own convenience are permitted to take their work to Simla for part of the Simla season.

Owing to shortage of accommodation and for other reasons it is important that the numbers of officers in categories (a) and (c) should be strictly limited, to what is necessary or desirable on public grounds. On the other hand it is important that officers whose presence at a hill station for purposes of consultation, etc., is found to be an annual necessity should, if other considerations permit, be classified as “recessing” officers; and Departments will doubtless bear this fact in mind. The classification of officers as recessing officers should be carried out with special care, and the Finance Department requests that all other Departments of the Government of India will intimate to it and to audit in due course which of the officers serving under them have been classified as “recessing officers” and which have been otherwise classified.

[G. I. F. D. letter No. F.-9 (81)-R. I./29, dated 22nd Aug. 1929.]

(5) The Government of India have decided to lay down the following rules to govern the travelling allowance of an officer for journeys on tour during the period of his recess at a hill station :—

- (i) No travelling allowance may be drawn for a direct journey from the hill station to the officer's headquarters or *vice versa* during the period of the recess.
- (ii) If journeys from headquarters to the hill station and *vice versa* are combined with inspection, the usual travelling allowance admissible for the journey may be drawn, but the travelling allowance ordinarily due for a direct journey between the permanent headquarters and the hill station should be deducted from the total amount claimed.

- (iii) When tours of inspection are undertaken from the hill station where the officer is recessing, travelling allowance may be drawn at the usual rates, provided that the total amount involved does not exceed the amount which would have been admissible had those inspections been carried out from the officer's regular headquarters.
- (iv) Journeys from a hill station to particular station and back should not normally be undertaken. When, however, account of present

No. 95.

Page 225, S. R. 129—

Insert the following as item (7) of "Government of India's orders" under this rule:—

"(7) A Government servant visiting a hill station on recess may draw, for a maximum period of 4 months out of the total sanctioned duration of his recess in any one financial year, all compensatory allowances admissible to him at his headquarters except conveyance allowances of any kind. The amount of conveyance allowances will be reduced by one half during every period spent on recess."

[G. I., F. D., Memo. No. F-8-R. I/31, dated 12th March 1931.]

(No. 95, dated the 25th June 1931.)

No. 82.

Page 225, S. R. 129—

Insert the following as "Auditor General's decision" under this rule:—

"Auditor General's decision.—Under clause 1 (vi) of the item (4) of the "Government of India's orders" above, an officer, who splits up his recess into two parts, can take with him only a peon for the shorter period of recess, and no clerk or stenographer at all unless an individual officer is previously exempted from this restriction for special reasons by the Government of India."

[Ar. G.'s letter No. 973-G. B. E./38-A.-31, dated 18th March 1931.]

(No. 82, dated the 25th April 1931.)

- (c) In the case of a military officer in civil employ, an examination for promotion in military rank.
- (d) In the case of a civil assistant surgeon or sub-assistant surgeon, an examination designed to test his fitness to rise above an efficiency bar in a time-scale :

provided that—

- (1) travelling allowance shall not be drawn under this rule more than twice for any particular examination or standard of examination; and



(2) a competent authority may disallow travelling allowance under this rule to any candidate who, in its opinion—

- (i) has culpably neglected the duty of preparing himself for an obligatory examination.
- (ii) does not display a reasonable standard of proficiency in an examination which is not obligatory.

*Director General's Instructions—*

(1) Officers appearing at the departmental examination for Superintendentship of Post Offices are entitled to travelling allowance under this Rule.

[D. G. P. O.'s Cir. No. 191, dated 10th Mar. 1884, page 125 of Posts and Telegraphs Supplement to C. S. R.]

(2) Telegraphists attending the technical examination for promotion to the rank of Telegraph Master are entitled to travelling allowance under this Rule.

[D. G. P. T.'s G. O. (Tel.) No. 105, dated 26th Mar. 1913, page 125 of Posts and Telegraphs Supplement to C. S. R.]

(3) The examination qualifying for the appointments of Inspectors of Post Offices and Head Clerks of the offices of Superintendents of Post Offices is obligatory. Officers appearing at these examinations are entitled to travelling allowance under this Rule.

[D. G. P. T.'s letter No. 1489-S.-Ap., dated 17th July 1916, page 125 of Posts and Telegraphs Supplement to C. S. R.]

(4) Post Office officials appearing at the departmental examination for Accountantship or Assistant Accountantship in a Post Office are entitled to travelling allowance under this Rule provided they pass the examination.

[D. G. P. T.'s G. O. No. 20, dated 20th Mar. 1924.]

(5) Telegraphists appearing at the departmental examination—

**No. 74.**

*Page 226, S. R. 130—*

*Insert the following as item (6) of "Director General's Instructions"*

**No. 111.**

*Page 226, S. R. 130—*

*Insert the following as item (6) of "Director General's Instructions" under this rule:—*

"(6) Telegraphists appearing at the examination for Baudot Supervisors referred to in Rule 324 of Volume IV of the Posts and Telegraphs Manual should be granted travelling allowance under S. R. 130."

[Section II of D. G. P. T.'s Circular No. 28, dated 19th December 1928.]

(No. 111, dated the 25th July 1931.)

**S. R. 133.** Travelling allowance under this section should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

Rates of travelling allowance under this section.

#### SECTION XIV.—JOURNEY WHEN PROCEEDING ON OR RETURNING FROM LEAVE.

**S. R. 134.** Except as otherwise provided in these rules, a Government servant is not entitled to any travelling allowance for a journey made during leave or while proceeding on or returning from leave.

**S. R. 135.** A competent authority may, for special reasons which should be recorded, permit any Government servant to draw, for a journey of the kind specified in rule 134, travelling allowance as for a journey on tour.

Exception.

**S. R. 136.** When a member of the executive council of the Government or a political resident of the first class travels by railway when proceeding on or returning from leave, he may travel on the terms described in rule 117.

High officials.

**S. R. 137.** *Cancelled.*

**S. R. 138.** A military sub-assistant surgeon in civil employ, when proceeding on or returning from leave of not less than six months' duration, is entitled to the same concessions which he would receive if he were in military employ.

**S. R. 139.** A departmental officer of the commissary class or a departmental warrant officer in civil employ, when proceeding on or returning from leave on medical certificate is entitled to the same concessions which he would receive in military employ.

**S. R. 140.** The Surveyor General or an administrative superintendent of the Survey of India Department may exercise the following powers :—

Concessions to Survey of India subordinates.

(a) He may grant such rail and steamer fares as he considers necessary to khalsis and other menials in the Survey of India Department proceeding on or returning from leave of any kind. Such fares should be paid for the journey to or from the place at which each menial was recruited.

(b) He may grant such travelling allowance as he considers necessary to surveyors and other subordinates when proceeding on or returning from leave if their homes are situated in provinces other than those in which they are employed.

**S. R. 141.** The Chief Commissioner of the Andaman and Nicobar Islands may grant to a subordinate Government servant recruited from India for permanent service in those islands, when such Government servant takes leave in India, a free passage by sea to and from India for himself, his wife and his children; pro-

Concession to subordinates in the Andaman Islands.

vided that such passage shall not be granted more than once in any period of four years.

**S. R. 141A.** The following rules apply to members of the Police Force in the Andaman and Nicobar Islands:—

Deck passages without diet by sea or river steamer and third class accommodation by rail are admissible:—

- (a) To all ranks proceeding on or returning from leave on medical certificate or, at intervals of not less than five years, other leave, free of charge. Provided that, instead of third class accommodation, Subadar Majors, Subadars and Jemadars are entitled to intermediate fare, or if there is no intermediate class, second class fare in the case of the first two and third class fare in the case of the last named.

**NOTE.**—Subadar Majors whose pay exceeds Rs. 200 a month are entitled to second class accommodation for journeys by sea or river steamer and by railway.

- (b) To the families of all ranks accompanying the head of the family to and from his home when proceeding on or returning from leave of any kind free of charge for the deck passage and on payment of a single fare for the railway journey.

**NOTE.**—The term “family” for the purpose of this rule includes, besides children and one wife, one relative.

- (c) To the families of all ranks joining the head of the family within six months of the expiry of leave of any kind, free of charge for the deck passage, and on payment of a single fare for the railway journey.
- (d) To the families of all ranks who are sent back to India on medical advice and who cannot be accompanied by the head of the family, free of charge for the deck passage, and on payment of a single fare for the railway journey.

**S. R. 142.** (a) When a Government servant is compulsorily recalled to duty before the expiry of his leave and the leave is thereby curtailed by not less than one month, he is entitled to draw mileage allowance for the journey from the place at which the order of recall reaches him or, if the journey involves travelling by sea, from the port at which he lands in India to the station to which he is recalled. If the period by which the leave is curtailed is less than a month, mileage allowance may be allowed at the discretion of the authority recalling the Government servant.

(b) If the Government servant recalled to duty is entitled to travelling allowance under rule 124, he may not draw mileage allowance under clause (a) unless he abandons his claims to the mileage allowance specified in rules 115 and 116 (a) I (i) and II (i).

Government  
servant  
recalled  
to duty from  
leave.

*Government of India's decision.*—Passage concessions to civil officers recalled from leave sanctioned in the Government of India, Finance Department, No. 757-E. B., dated 20th May 1921, are admissible not only in cases of recall from the United Kingdom, but in all cases of recall from leave out of India.

[G. I. F. D. No. 1293-C. S. R., dated 13th Nov. 1922.]

**S. R. 143.** If a non-gazetted Government servant, on compulsory recall from leave exceeding four months, is posted to a station other than that from which he went on leave, he may, if his pay after transfer does not exceed Rs. 400 and if his new station is distant more than 200 miles from his old station, draw, in addition to the allowance admissible under rule 126, travelling allowance for his family under rule 116 for the journey from the place at which the order of recall reaches him to the new station; provided that the amount so drawn shall not exceed the amount admissible under rule 116 for the journey from the old to the new station.

**S. R. 144.** A Government servant on joining time under fundamental rule 105 (d) may draw travelling allowance for the journey as for a journey on transfer.

Travelling allowance during joining time under fundamental rule 105 (d).

**S. R. 145.** A non-gazetted Government servant in superior service on pay not exceeding Rs. 400 a month, when proceeding on leave from or returning from leave to a place in Persia or the Persian Gulf to which he is posted, may transport his family to or from India at Government expense; provided that this concession may be granted for the journey in each direction once only in every period of four years.

Concession to non-gazetted Government servants employed in Persia or the Persian Gulf.

**\*S. R. 145A.** Head Warders and Warders of Jails in the Western India States Agency may be granted, when proceeding on leave to and returning from their homes, free railway and steamer tickets not oftener than once in three years.

## SECTION XV.—JOURNEY ON RETIREMENT, DISMISSAL OR TERMINATION OF EMPLOYMENT.

**S. R. 146.** Unless in any case it be otherwise expressly provided in this section, no person is entitled to any travelling allowance for a journey made after retirement or dismissal from Government service or after the termination of such service.

General restrictions.

**S. R. 147.** A competent authority may, for special reasons which should be recorded, permit any Government servant to draw travelling allowance for a journey of the kind mentioned in rule 146.

Exception.

**S. R. 148.** When a member of the executive council of the Governor General or a political resident of the first class travels by railway on retiring from the service or on proceeding to join another post after resigning office, he is entitled, if he so desires, to the concession described in rule 117.

Concession to high officials.

Concessions  
to Survey  
subordinates.

**S. R. 149.** The Surveyor General or an administrative superintendent of the Survey of India Department may grant such rail and steamer fares as he considers necessary to a discharged khalasi or other menial for the journey to the place at which the menial was enlisted.

Concessions  
to subordi-  
nates serving  
in the  
Andaman  
and Nicobar  
Islands.

**S. R. 150.** The Chief Commissioner of the Andaman and Nicobar Islands may grant to any subordinate Government servant employed in the islands a free passage to India for himself and his family on dismissal or retirement. If a subordinate dies while so employed, the Chief Commissioner may similarly grant a free passage to his family.

Concession  
to military  
officers in  
civil employ.

**S. R. 151.** A departmental officer of the commissary class or a departmental warrant officer in civil employ, on retirement after service which has earned a pension or a gratuity, is entitled to the same concessions as if he were retiring from military employ.

Concessions  
to Govern-  
ment  
servants  
temporarily  
employed.

**S. R. 152.** A person temporarily employed in Government service who has received travelling allowance for the journey to join his post, may, on the termination of his employment, be allowed to draw travelling allowance for the journey to any place; provided that such allowance does not exceed the travelling allowance calculated for the journey to the place at which he was engaged, that the claim to draw travelling allowance is preferred within three months of the termination of his employment and that the officer under whom he is employed is satisfied that he intends to make the journey.

Rates of  
travelling  
allowance  
under this  
section.

**S. R. 153.** Travelling allowance under rules 147 and 152 should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

#### SECTION XVI.—JOURNEY TO GIVE EVIDENCE OR TO ATTEND A COURT OF LAW AS ASSESSOR OR JUROR.

Journey to  
give  
evidence  
of facts of  
which he has  
official  
knowledge.

**S. R. 154.** The following provisions apply to a Government servant who is summoned to give evidence—

(a) in a criminal case, a case before a court-martial, a civil case to which Government is a party or a departmental inquiry held by a properly constituted authority in British India, or

(b) before a court in an Indian State or in foreign territory;

provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties :—

(i) He may draw travelling allowance as for a journey on tour, attaching to his bill a certificate of attendance given by the court or other authority which summoned him.

(ii) When he draws such travelling allowance, he may not accept any payment of his expenses from the court or authority.

Any fees which may be deposited in the court for the travelling and subsistence allowance of the witness must be credited to Government.

- (iii) If the court in which he gives evidence is situated within five miles of his headquarters and no travelling allowance is therefore admissible for the journey, he may, if he be not in receipt of permanent travelling allowance, accept such payment of actual travelling expenses as the court may make.

**NOTE.**—A Government servant summoned to give evidence while on leave is entitled to the concessions described in this rule.

*Government of India's decision—*

(1) Travelling allowance is admissible to an officer proceeding to a police station to lodge a complaint or give information of an offence, but under the orders of the Government of India in the Home Department No. 1163, dated 14th September 1874, no allowance is admissible to an officer summoned by a Police officer to give evidence before him.

[G. I. F. & C. D. No. 6170-P., dated 19th Dec. 1894—page 127 of P. & T. Supplement to C. S. R.]

(2) The question of admissibility of travelling allowance to the officials of the Posts and Telegraphs Department who are required by their Superior Officer to proceed from one station to another to appear before police officers or to accompany them to another station has for some time past been under the consideration of the Director General, Posts and Telegraphs, and the Government of India, and it has been decided by the latter that whether a Post and Telegraph employee's presence is required to give a statement or to assist generally in the police investigation, it is within the discretion of his superior officer who orders the Government servant to undertake the journey to grant travelling allowance for the journey as having been performed on duty. It has been held that Supplementary Rule 154 provides merely for cases in which the Court or other authority has the power of paying witnesses' expenses. It is not the intention of the rules to forbid the grant of travelling allowance to a Government servant attending *under proper orders* any enquiry whether police or departmental.

[G. I. F. D. U. O. No. 6847-C. S. R., dated 15th December 1926.]

**S. R. 155.** A Government servant summoned to give evidence in circumstances other than those described in rule 154 or to serve as an assessor or juror in a court of law is not entitled, by reason of his position as a Government servant, to any payments other than those admissible by the rules of the court. If the court pays him any sum as subsistence allowance or compensation, apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence. Other cases

**SECTION XVII.—JOURNEY TO OBTAIN MEDICAL ADVICE.**

**SUB-SECTION. (I).—JOURNEY PERFORMED BY AN OFFICER OF A SUPERIOR CIVIL SERVICE, WHO IS OF NON-ASIATIC DOMICILE, OR BY A MEMBER OF HIS FAMILY TO OBTAIN MEDICAL TREATMENT OR ADVICE.**

**\*S. R. 155A.** When a member of a Superior Civil Service being of non-Asiatic domicile is serving in a station where there is no medical officer appointed by Government to attend him and when such officer or a member of his family requires medical treatment or advice—

- (i) travelling allowance for the journey to and from the nearest station where there is such a medical officer may be granted to the officer or member of his family, or
- (ii) in the alternative, if the patient is too ill to travel, travelling allowance may be granted to the nearest such medical officer from and to his headquarters.

In either case the application for travelling allowance must be supported by a certificate signed by the medical officer in question to the effect that medical treatment or advice was necessary, and, in the case of (ii), that the patient was too ill to travel. The controlling officer may require this certificate to be countersigned by the Administrative Medical Officer of the Province.

**EXPLANATION.**—For the purposes of this rule "Superior Civil Service" includes all services and posts named in the Superior Civil Service (Revision of Pay, Passage and Pension) Rules, 1924, or declared 'superior' under Section 67-A or Section 72-D of the Government of India Act.

*Government of India's decision.*—No travelling allowance is admissible under Supplementary Rules 155-A and 155-B for journeys performed in connection with dental treatment or advice or for journeys performed in connection with any treatment or advice other than treatment or advice by a medical officer, a physician specialist or a surgeon specialist.

[G. I. F. D. No. F.-9 (108)-R. I./29, dated 9th November 1929.]

**\*S. R. 155B.** In the case of officers to whom rule 155A applies and members of their families, if the medical officer first consulted considers the case to be of such a serious or special nature that he is unable or unwilling to treat it, he may, with the approval of the Administrative Medical Officer of the Province, which must be secured beforehand in all cases where this is possible without danger to the patient—

- (i) give a certificate authorising the officer or member of his family to draw travelling allowance to the nearest station where adequate treatment is available, or

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\* This rule takes effect from the 1st April 1928, any individual case which may have arisen after the 9th July 1926, to which this rule, if issued earlier, would have applied will be considered on its merits. [G. I. F. D. Resolution No. F.-51 (87)-R. I./27, dated 1st May 1928.]

- (ii) in the alternative, certify that the patient is not fit to travel and that a specialist should be summoned from another station, and a certificate to this effect will authorise the specialist so called in to draw travelling allowance from and to his station.

**SUB-SECTION (II).—JOURNEY PERFORMED BY OTHER GOVERNMENT SERVANTS TO OBTAIN MEDICAL ADVICE.**

**S. R. 156.** If, in order to obtain medical advice, a Government General rule servant is compelled to leave a station at which he is posted and at which there is no medical officer of Government and travel to another station, he may, on production of a certificate from the medical officer consulted that the journey was, in his opinion, absolutely necessary, draw travelling allowance for the journey.

*Government of India's decision.*—Travelling allowance is not admissible for a journey undertaken to procure health certificate on first appointment to Government service.

[G. I. F. D. No. 7871-P., dated 26th Dec. 1903, page 128 of Posts and Telegraphs Supplement to C. S. R.]

**S. R. 157.** If a Government servant, being stationed where there is no medical officer of Government, is required to obtain a medical certificate from a medical officer of Government in support of an application for an original grant of leave, he may draw travelling allowance for the journey undertaken to obtain that certificate. Journey to obtain medical certificate.

**NOTE.**—Travelling allowance is *not* admissible for a journey to obtain a medical certificate in support of an application for an extension of leave.

**S. R. 157A.** If a Government servant, having obtained a medical certificate in support of an application for an original grant of leave, is required to appear before a medical board, or to appear before a nominated medical officer of Government for further opinion as to the necessity for the leave recommended in that certificate, may draw travelling allowance for the journey undertaken to obtain that opinion.

**NOTE.**—Travelling allowance is *not* admissible for a journey to obtain a second medical opinion in support of an application for an extension of leave.

**S. R. 158.** The journeys contemplated by rules 156 and 157 should not be undertaken without the previous permission of the controlling officer, if such permission can be obtained without risk to the Government servant requiring medical advice. Previous permission necessary if obtainable.

**\*S. R. 158A.** Extra Departmental Agents in the Post Office, Mail Guards, Postmen, Village postmen, all inferior servants in the Post Office and Bicycle mistries, Carpenters, Linemen, and all inferior servants in the Telegraph Traffic and Telegraph Engineering Branches, may, provided their pay does not exceed Rs. 30 a month, draw actual travelling expenses for journeys undertaken in connection with their Postal officials.

\* This rule takes effect from the 9th July 1929.



medical examination for admission to the Post Office Insurance Fund, subject to the conditions :—

(a) that a proposer who has been passed by the Civil Surgeon actually takes out a policy within the period prescribed by the rules of the Fund; and

(b) that a proposer who has taken out a policy pays the premium on it for a period of not less than twelve months.

*Director General's Instruction.*—Superintendents of Post Offices are authorised to sanction payments of actual travelling expenses under S. R. 158-A.

[D. G. P. & T.'s U. O. No. P. & T./M.-211, dated 1st Feb. 1928.]

probationary chaplains.

**S. R. 159.** A probationary chaplain who is compelled to make a journey in order to obtain from a medical board the health certificate which he must produce before confirmation in Government service may draw travelling allowance for the journey.

journey to appear before medical board and preliminary retirement.

**S. R. 160.** (a) A Government servant who is directed by his official superior, in the interests of the public service, to apply for an invalid pension may, if he be required to make a journey in order to appear before a medical board, draw his actual travelling expenses, subject to a maximum of the amount of travelling allowance calculated for the journey. If it be necessary for him to return to his headquarters after appearing before the medical board, he may draw his actual expenses subject to the same maximum. In both cases his travelling allowance bill must be supported by a certificate that he was directed to apply for an invalid pension in the interests of the public service and that he did not voluntarily ask to retire.

(b) A competent authority may allow actual expenses, as limited by clause (a) of this rule, to be drawn by a Government servant who voluntarily applies for an invalid pension provided that the authority is satisfied that the circumstances of the applicant are such as to justify the concession.

journey to appear before medical board in other circumstances.

**S. R. 161.** Except as provided in rules 157A, 159 and 160, no travelling allowance is admissible for a journey undertaken in order to appear before a medical board.

#### SUB-SECTION (III).—RATE OF TRAVELLING ALLOWANCE FOR JOURNEY PERFORMED BY GOVERNMENT SERVANTS TO OBTAIN MEDICAL TREATMENT OR ADVICE.

Rates of travelling allowance under this section.

**S. R. 162.** Travelling allowance under rules 155A, 155B, 156, 157, 157A, 159 and 160 (a) should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

*Government of India's orders.*—A telegraphist who is compelled to travel to another station in order to obtain a medical certificate in connection with his transfer from the local or station service to

the general service, should be granted travelling allowance for such journey as prescribed by this rule. These journeys should not, however, be undertaken without the previous permission of the controlling officer.

[G. I. I. & L. D. letter No. 67-P. T. E., dated 29th Nov. 1928.]

#### SECTION XVIII.—JOURNEY IN ATTENDANCE ON AN INCAPACITATED GOVERNMENT SERVANT OR MEMBER OF HIS FAMILY.

**S. R. 163.** If a Government servant, under the advice of a civil surgeon or other medical officer of Government whose duty it is to attend him professionally, is required to travel to a presidency town or elsewhere, either when proceeding on leave or in order to obtain further medical advice, and the medical officer considers that it would be unsafe for him to make the journey unattended, the medical officer may either himself accompany the patient to his destination or arrange that some other person shall do so. In that case, the attendant, if a Government servant, shall be deemed to have been travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour; if not a Government servant, he shall be entitled to actual expenses.

The same procedure shall be followed where travelling allowance is admissible under rules 155A or 155B to a member of a Government servant's family, save that the attendant, if not the medical officer himself, shall be entitled to receive his actual expenses only.

#### SECTION XIX.—JOURNEY ON A COURSE OF TRAINING.

**S. R. 164.** When a Government servant or a student not already in Government service is selected to undergo a course of training, a competent authority may decide the scale, if any, on which he shall draw—

- (a) travelling allowance for the original journey to and the last journey from the place of training, and for halts at such place;
  - (b) in the case of training at a school, college or similar institution, travelling allowance for similar journeys on the occasion of holidays and vacations; and
  - (c) travelling allowance for journeys during the course of training :
- provided that the scale so fixed shall not exceed that admissible to Government servants of similar status on duty at the place of training.

*[For rates of travelling allowance admissible to Posts and Telegraphs officials deputed to undergo a course of training, see Appendix 22.]*

\* This paragraph was introduced with effect from the 1st April 1928, but any individual case which may have arisen after the 9th July 1926, to which this rule, if issued earlier, would have applied will be considered on its merits. [G. I. F. D. Resolution No. F-51 (87)-R. I. '27, dated 1st May 1928.]

*Government of India's decision.*—The Government of India have decided that the candidates selected in India's proceedings to the

## No. 134.

Page 236, S. R. 164-A—

*Insert the following as a new rule after S. R. 164:—*  
 “S. R. 164-A. A military officer in civil employ, while detailed to attend a military course of instruction, is entitled to draw mileage and daily allowances at rates admissible to a military officer in military employ in similar circumstances.”

[G. I., F. D., Correction No. 193 (S. R.), dated the 10th August 1931.]  
 (No. 134, dated the 25th August 1931.)

**ADMISSIBLE  
 VEHICLES MEANS OF TRANSPORT ARE SUPPLIED WITH-  
 OUT COST TO THE GOVERNMENT SERVANT TRAVEL-  
 LING.**

### SECTION XXI.—SUPPLY OF FREE ACCOMMODATION ON RAILWAY JOURNEYS.

Carriages  
 reserved for  
 the exclusive  
 use of high  
 officials.

S. R. 166. The provision by Government of special railway accommodation for the exclusive use of particular Government servants requires the sanction, in each case, of the Secretary of State in Council. Of the Government servants to whom these rules apply, such sanction has been given in the case of the officers named in the following list to the extent shown in the second column of the list :—

- |   |   |
|---|---|
| (a) His Excellency the Viceroy and Governor General.  | One standard gauge and one metre gauge train. |
| (b) Each member of the executive council of the Governor General.                                 | One standard gauge saloon.                    |
| (c) The Agent to the Governor General in Rajputana.   | One metre gauge saloon.                       |
| (d) The Agent to the Governor General in Central India.   | One standard gauge saloon.                    |
| (e) The Agent to the Governor General and Chief Commissioner in Baluchistan.                      | One standard gauge saloon.                    |
| (f) The Chief Commissioner and Agent to the Governor General in the North-West Frontier Province. | One standard gauge saloon.                    |
| (g) Each member of the Railway Board.   | One standard gauge saloon.                    |
| (h) The Chief Engineer with the Railway Board.  | One inspection carriage.                      |

S. R. 167. When for any reason his special carriage is not available for the use of any of the officials named in rule 166, such official may reserve by requisition an inspection carriage.

**S. R. 168.** The Governor General in Council may grant to any Government servant the general right to reserve by requisition an inspection carriage when travelling by railway on tour. Of the Government servants to whom these rules apply, this right has been granted to the following officials :—

Reservation  
of inspection  
carriages.

- (a) The Foreign and Political Secretaries to the Government of India when travelling on special tours of duty.
- (b) The Consulting Engineer to the Government of India.
- (c) The Director, Intelligence Bureau.
- (d) The Political Resident in Mysore, for journeys over the Mysore State Railway and the connected metre gauge lines.
- (e) The Political Resident at Hyderabad, for journeys within the Hyderabad State.
- (f) Military Adviser-in-Chief, Indian State Forces.
- (g) The Agent to the Governor General, Punjab States.

**S. R. 169.** The Governor General in Council may grant to any Government servant the general right to reserve by requisition an ordinary first class carriage of two compartments when travelling by railway on duty. Of the Government servants to whom these rules apply, this right has been granted to the following officials :—

Reservation  
of ordinary  
first class  
carriages.

- (a) The Political Resident at Hyderabad, when travelling elsewhere than in the Hyderabad State.
- (b) The Political Resident in Mysore, when travelling elsewhere than on the Mysore State Railway and connected metre gauge lines.
- (c) The Political Resident in the Persian Gulf.
- (d) The Agent to the Governor General in the States of Western India.

**S. R. 170.** The Governor General in Council may grant to any Government servant or class of Government servants the general right to reserve by requisition an ordinary first class compartment when travelling by railway on duty. Of the Government servants to whom these rules apply, this right has been granted to the following officials when making journeys by railway of over six hours' duration or journeys any part of which falls between the hours of 11 p.m. and 6 a.m. :—

Reservation  
of first class  
compart-  
ments.

- (a) The Auditor General.
- (b) The Presidents of the Council of State and the Legislative Assembly.
- (c) Secretaries to the Government of India and the Financial Adviser, Military Finance.
- (d) The Political Resident at Baroda.
- (e) The Political Resident in Kashmir, when travelling between Sialkot and Jammu.

- (f) The Educational Commissioner with the Government of India.
- (g) The Sanitary Commissioner with the Government of India.
- (h) The Director General, Indian Medical Service.
- (i) The Surveyor General.
- (j) The Controller of the Currency.
- (k) The Chief Engineer, Telegraphs.
- (l) The Director General of Posts and Telegraphs.
- (m) The Agricultural Adviser to the Government of India.
- (n) The Controller of Civil Accounts.
- (o) The Members of the Central Board of Revenue.

**S. R. 171. (a)** When for any reason an inspection carriage or a first class carriage, as the case may be, is not available for the use of a Government servant empowered under rule 168 or 169, he may reserve by requisition an ordinary first class compartment.

**(b)** Such a Government servant may, for any journey, at his option, reserve by requisition a first class compartment in lieu of an inspection or first class carriage.

**NOTE.**—For the purposes of rules 170 and 171, a first class compartment means a compartment with the smallest number of berths (or seats where seats only are provided), other than coupé compartments, available in the train by which a Government servant travels.

Procedure of requisition.

**S. R. 172.** The procedure to be followed in submitting a requisition for reserved accommodation shall be such as may be prescribed by the Railway Board.

Effect of requisition of a carriage.

**S. R. 173.** When a Government servant travels in a carriage reserved by requisition, the carriage is entirely at his disposal and may be detached and detained at any railway station at his request.

Free passes.

**S. R. 174.** The issue of free passes for journeys by railway is regulated by rules made in this behalf by the Railway Board.

## SECTION XXII.—TRAVELLING ALLOWANCE ADMISSIBLE WHEN THE WHOLE OR PART OF THE MEANS OF CONVEYANCE IS SUPPLIED WITHOUT CHARGE.

### SUB-SECTION (I).—JOURNEYS BY RAILWAY.

Journeys made by railway in accommodation reserved by requisition.

**S. R. 175.** The travelling allowance admissible to a Government servant who makes a journey by railway in accommodation reserved by requisition is prescribed in sub-section (iv) of section IX and elsewhere in these rules.

Free transit by railway otherwise than in accommodation.

**S. R. 176.** When a Government servant is entitled to or is allowed free transit by railway otherwise than in accommodation reserved by requisition, whether on a free pass or otherwise, the mileage allowance which he draws for the journey must, except in cases covered by

rule 82, 83, 84 or 85, be reduced by the amount of the fare which, but for such free transit, he would have paid. This rule applies to cases in which a free pass is issued on any railway, whether worked by Government or not. The reduction made must include the full number of fares covered by the pass, unless the Government servant certifies that he did not use the pass in respect of any fare or fares for which no reduction is made.

tion reserved by requisition.

*Director General's Instructions.*—A railway pass issued to an officer of this Department allows the free transit of one or two servants according as the pass is a second or a first class one, respectively. In his travelling allowance bill the officer has to deduct the value of the servant's fare or fares he would otherwise have paid had he not taken advantage of the concession allowed by the pass. The use of the word "servant" has apparently led officers to think that peons are not covered by the pass and their fares should always be paid for in cash whether the concession is utilised to the full or not. This, however, is a misapprehension.

All officers using railway passes should make use of the concession allowed by the passes to the full by conveying their peon or peons on the passes.

[D. G. P. T. (Tel. Eng.) G. O. No. 44, dated 25th Feb. 1925.]

**S. R. 177.** When a Government servant in receipt of permanent travelling allowance uses a free pass on a railway within his sphere of duty, he must deduct from his permanent travelling allowance for the month the amount of the railway fares which he would have paid if he had not travelled on a pass.

Government servant in receipt of permanent travelling allowance.

**S. R. 178.** When a Government servant is permitted to travel by railway in a higher class on payment of a lower fare, his mileage allowance must be reduced by the amount by which the fare of the class in which he travels exceeds the fare actually paid.

Government servant entitled to travel in a higher class on payment of a lower fare.

**S. R. 179.** Except as provided in rule 84, a Government servant travelling with a free pass on an unopened line of railway is entitled to the travelling allowance prescribed in rule 182 as limited by rule 184.

Government servant travelling with a free pass on an unopened line of railway.

#### SUB-SECTION (II).—JOURNEYS BY SEA OR RIVER STEAMER.

**S. R. 180.** When a Government servant travels by sea or river, otherwise than on payment of passage money, in a steamer the cost of which is paid by Government or by a local fund, he may draw no travelling allowance except the daily allowance of his grade; provided that, when his servants and luggage are not conveyed on the vessel but are sent separately at his expense, he may draw in addition the actual cost of transporting them.

Journey by Government vessel.

*Auditor General's decision.*—Officers travelling in Government vessels are not entitled to recoupment of any portion of the charges

payable by them for board provided on the vessels. Under the above rule the officers should settle their messing bills direct with the Commander of the vessel.

[Ar. G.'s No. 779-A.—253-22, dated the 16th Nov. 1922.]

journey by  
her than  
Government  
vessel.

**S. R. 181.** When a Government servant is allowed free transit by sea or river steamer, otherwise than in a Government vessel, the mileage allowance which he draws for the journey must be reduced by the amount of the fare which, but for such free transit, he would have paid. If he travels on a free pass, the reduction made must include the full number of fares covered by the pass.

### No. 116.

Page 240, S. R. 181-A—

Insert the following after S. R. 181:—

#### "SUB-SECTION (II-A).—JOURNEYS BY AIR.

**S. R. 181-A.** When a Government servant is allowed free transit by air, whether on a free pass or otherwise, he is entitled to travelling allowance as follows:—

(a) If he has not to provide separate conveyance at his own expense for his servants or luggage, he may draw the daily allowance of his grade and may not exchange it for mileage allowance. If, however, part of the journey is made by other means of locomotion, he may at his option draw in lieu of daily allowance the mileage allowance admissible for that part.

(b) If he has to provide separate conveyance at his own expense for his servants or luggage he may,

- (i) if the journey is between places connected by rail or steamer, draw three-fifths fare of the class of accommodation to which he is entitled by railway or steamer, or
- (ii) if the journey is between places not connected by rail or steamer draw the daily allowance of his grade or half the mileage allowance calculated for the journey.

If, however, a part of the journey is performed by other means of locomotion, he may, in addition to the allowances admissible under sub-clause (i) or (ii) above, draw the mileage allowance admissible for that part subject to the conditions laid down in sub-clauses (i) and (ii) of clause (b) of rule 76."

[G. I., F. D., Correction No. 179 (S. R.), dated 10th July 1931.]

(No. 116, dated the 25th July 1931.)

~~Supplementary Rule 76 modified in respect of the journey other than the~~  
Railway journey with reference to the provisions of Supplementary Rule 182.

[Para. 12, Sec. II of Manual of Audit Instructions (1926).]

**S. R. 183.** When a Government servant is provided with means of locomotion as in rule 182, but pays all the cost of its use or propulsion, he may draw travelling allowance under the ordinary rules, subject to the deduction of such fixed hire or charge as a competent authority may fix. When the Government servant pays the cost of propulsion.

**S. R. 184.** The provisions of rules 182 and 183 do not apply to a Government servant of the fourth grade or to any other Government servant or class of Government servants to whom a competent authority may declare them to be inapplicable. Exceptions.

They do not apply to Government servants who are provided with elephants required for the conduct of professional operations and not for their private use.

[For a list of Government servants to whom Supplementary Rules 182 and 183 have been declared to be inapplicable, see Appendix 23.]

*Audit Instruction.*—The intention underlying Supplementary Rule 184 is that Government servants of the fourth grade, when they use means of locomotion provided at the expense of Government, should be entitled to travelling allowance under Supplementary Rules 69, 71, 77 and 78.

[Para. 12A, Sec. II of Manual of Audit Instructions (1926).]

*Director General's Instructions.*—No fourth class officer may, for a journey by road, exchange his daily allowance for mileage when the means of locomotion are provided at the expense either of the State or of Local Funds or by the superior with whom he may be travelling.

[D. G. P. O.'s Cir. No. 75, dated 25th Feb. 1890, page 115 of Posts and Telegraphs Supplement to C. S. R.]

**S. R. 185.** A Government servant, who travels by a motor-car which has been supplied to him at the expense of Government on the condition that he himself bears the ordinary cost of maintenance, may draw travelling allowance as for a journey on tour, but the amount of the mileage allowance which he may draw is limited by the following conditions :— Journeys by Government motor-car.

- (a) If he travels by the motor-car more than 20 miles in one day, he may draw for the first 20 miles the mileage allowance of his grade and for the remainder of the journey three-fourths of such mileage allowance.
- (b) If he combines with a journey by the motor-car a road journey by other conveyance, he may draw the mileage allowance admissible for the first 20 miles or for the journey by other conveyance, whichever is greater, and for the remainder of the journey three-fourths of such mileage allowance.
- (c) If he combines with a journey by road, whether made wholly or partly in the motor-car, a journey by railway or steamer, he may draw mileage allowance for the journey by railway or steamer in addition to the allowances admissible under clauses (a) and (b) of this rule for the journey by road.



auffeurs of  
overnment  
tor-cars.

**S. R. 186.** The chauffeur of a motor-car supplied at the expense of Government, when making a journey by road on the motor-car in his charge, may draw travelling allowance under the provisions of rule 182 (a) if the journey involves an absence of at least one night from his headquarters. For a journey which does not involve such an absence he is entitled to no travelling allowance.

## CHAPTER V.—GRANT OF TRAVELLING ALLOWANCE TO PERSONS WHO ARE NOT IN THE CIVIL SERVICE OF THE CROWN.

### SECTION XXIII.—GOVERNMENT SERVANTS IN MILITARY EMPLOY.

neral rule.

**S. R. 187.** Except as provided in rule 188, the travelling allowance admissible to Government servants in military employ is governed by military regulations.

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tend a  
rbar or  
vée.

**S. R. 188.** When a commissioned Indian Military Officer of the regular forces, the military police or the militia, whether on the active or the retired list, is invited to attend a darbar or levée at a place other than that at which he is stationed or has his residence, a competent authority may grant him travelling allowance for the journey subject to the following limits :—

- (a) For the journey from his station or place of residence to the place at which the darbar or levée is held and thence back to his starting point, single railway and steamer fares actually paid, and actual travelling expenses for journeys by road subject to the maximum admissible to a Government servant of the first grade.
- (b) For halts at the place at which the darbar or levée is held, a daily allowance of Rs.  $4\frac{1}{2}$ .

### SECTION XXIV.—OTHER PERSONS.

onorary  
magistrates.

**S. R. 189.** An Honorary Magistrate, not being a Government servant, may, when employed on Government work under the orders of a District Magistrate or Sub-divisional Officer at a distance exceeding five miles from his headquarters, or when the bench which he attends is situated at a similar distance from his residence, draw for journeys by railway double second class fare and for journeys by road annas four for each mile travelled. During halts when similarly employed, he may draw daily allowance of Rs.  $4\frac{1}{2}$  subject to the conditions applicable to halts of Government servants on tour.

Persons  
attending  
commissions  
of inquiry,  
etc.

**S. R. 190.** (a) When any person, not being a Government servant, is required to attend any meeting of a commission of inquiry or of a board, conference, committee or departmental inquiry convened under proper authority, or is required to perform any public duties in an honorary capacity, a competent authority may grant him travelling allowance for the journey calculated under the ordinary rules for the journey of a Government servant on tour; and for this purpose may,

with due regard to such person's position in life, declare, by general or special order, the grade to which he shall be considered to belong.

(b) In a case of the kind contemplated by clause (a) of this rule, a competent authority may, in its discretion, grant to the person concerned his actual travelling, hotel and carriage expenses instead of travelling allowance under that clause, if it considers that such allowance would be inadequate.

(c) A competent authority may delegate the power conferred upon it by clause (a) of this rule to the Government servant presiding over the meeting of the commission or other body which the person concerned is required to attend.

[For Administrative Instructions issued by the Governor General in Council regarding "Grant of travelling allowance to persons not in the Civil Service of the Crown, who are required to attend commissions of enquiry, etc.," see Part VII (2) of Appendix 3.]

*Government of India's orders.*—The following principles should be observed in granting travelling allowances to witnesses, who are not Government servants but are summoned on behalf of an officer, whose conduct is the subject of a departmental enquiry held by officers, serving directly under the Government of India:—

- (i) Travelling allowances may be paid to the witnesses summoned, in the event of the officer concerned clearing himself;
- (ii) Such allowances will be paid only in respect of witnesses whose evidence is considered to be of material value by the officer conducting the enquiry;
- (iii) In exceptional cases the officer conducting the enquiry may, on grounds to be recorded, recommend to the Government of India that the principles laid down above be departed from owing to special reasons and it is for the Government of India to accept or reject the recommendation.

[G. I. H. D. letter No. F-422/27-Public, dated 5th June 1928.]

## CHAPTER VI.—CONTROLLING OFFICERS.

### SECTION XXV.—SIGNATURE ON TRAVELLING ALLOWANCE BILLS.

**S. R. 191.** A competent authority shall declare what authority shall be the controlling officer, for travelling allowance purposes, of each Government servant or class of Government servants. It may, if it thinks fit, declare that any particular Government servant shall be his own controlling officer.

Controlling officer to be declared by competent authority.

[A list of Government servants of the Posts and Telegraphs Department declared as controlling officers for travelling allowance purposes is given in Appendix No. 24.]

*Government of India's declaration—*

(1) The following heads of departments under the Finance Department shall be their own controlling officers for travelling allowance purposes:

1. Auditor General.
2. Controller of Currency.
3. Accountants General and Comptroller, Assam.
4. Deputy Controllers of Currency.
5. Chief Auditors and Government Examiners of Railway Accounts (except Assam Bengal Railway).
6. Mint and Assay Masters.

For officers subordinate to them, they shall be competent to declare what authority shall be the Controlling officer.

[G. I. F. D. No. 431-E. B., dated 12th May 1922.]

(2) The Government of India have declared that the Director General of Posts and Telegraphs shall be his own controlling authority for the purpose of rule 191 of the Supplementary Rules.

[G. I. F. D. No. 27 D. B. B., dated 12th May 1922.]

**No. 79.**

Page 244, S. R. 191—

Insert the following as item (4) of the "Government of India's declarations" under this rule:—

"(4) The Financial Adviser, Posts and Telegraphs, shall be his own controlling officer for the purpose of travelling allowance."

[G. I., F. D., letter No. F-63-II-Ex. I./31, dated 23rd February 1931.]

(No. 79, dated the 25th April 1931.)

~~present bills for travelling allowance without the countersignature of the controlling officer:—~~

(a) Chaplains; provided that the bill is accompanied by the order, authorising the journey, of—

- (i) the Bishop or Commissary of the diocese, in the case of a chaplain of the Church of England, or
- (ii) the Presidency Senior Chaplain, in the case of a chaplain of the Church of Scotland.

(b) Deputy Auditors General, the Examiners of Press and Customs Accounts; Postmasters-General, Deputy Postmaster-General, Sind and Baluchistan, Deputy Postmasters-General, Railway Mail Service, Directors, Telegraph Engineering, Archaeological Officers in Burma, the Archaeological Superintendent, Southern Circle, Madras, and the Government

Epigraphist for India so long as his headquarters are in the Presidency of Madras, provided that duplicate bills are at the same time forwarded to the Auditor General or to the Director General of Posts and Telegraphs, or to the Director General of Archaeology, as the case may be, for countersignature and transmission to the audit officer.

- (c) Non-gazetted Government servants; provided that detailed and countersigned bills are subsequently submitted to the audit officer for adjustment.

*Government of India's orders.*—The Assistant Accounts Officer employed under the Director of Commercial Audit in connection with the audit of the Army Factory Accounts is exempted from the operation of Supplementary Rule 192 and is authorised to present his travelling allowance bills for encashment in anticipation of the signature of the controlling officer.

[G. I. F. D. No. D./2007-F. E., dated 4th July 1925.]

**S. R. 194.** Except where expressly permitted by a competent authority, a controlling officer may not delegate to a subordinate his duty of countersignature. Delegation of duty of counter-signature.

#### SECTION XXVI.—DUTIES AND POWERS.

**S. R. 195.** It is the duty of a controlling officer, before signing or countersigning a travelling allowance bill;—

- (a) to scrutinise the necessity, frequency and duration of journeys and halts for which travelling allowance is claimed, and to disallow the whole or any part of the travelling allowance claimed for any journey or halt if he considers that a journey was unnecessary or unduly protracted or that a halt was of excessive duration;
- (b) to scrutinise carefully the distances entered in travelling allowance bills;
- (c) to satisfy himself that, where the actual cost of transporting servants, personal effects, etc., is claimed under these rules, the scale on which such servants, effects, etc., were transported was reasonable; and to disallow any claim which, in his opinion, does not fulfil that condition;
- (d) to check any tendency to abuse the option of exchanging daily allowance for mileage allowance; and
- (e) to observe any subsidiary rules which a competent authority may make for his guidance.

*Director General's Instructions.*—All controlling officers are requested to see that claims for the cost of transporting personal effects under S. R. 116 (a) I (iii) are supported by receipts or vouchers.

[D. G. P. T.'s (P. O.) G. O. No. 2, dated 10th April 1924.]



## PART III.—RECORDS OF SERVICE.

## Division VII.

[Rules made by the Governor General in Council under Fundamental Rule 74 (a) (iv).]

## Gazetted Government servants.

**S. R. 196.** A record of the services of a gazetted Government servant will be kept by such audit officer and in such form as the Auditor General may prescribe.

## Non-gazetted Government servants.

**S. R. 197.** A service book in such form as the Auditor General may prescribe must be maintained for every non-gazetted Government servant holding a substantive post on a permanent establishment, with  
Service books.

## No. 11.

Page 247, S. R. 197—

*Substitute* the following for the existing exception (c) below this rule:—

“(c) Postmen and village postmen (excluding head postmen, overseer postmen, and sorting or reader postmen).”

(No. 11, dated the 25th April 1931.)

(e) Inferior servants of all sorts.

**S. R. 198.** In all cases in which a service book is necessary under rule 197, such a book must be supplied for a Government servant, at his own cost, on his first appointment to Government service. It must be kept in the custody of the head of the office in which he is serving and transferred with him from office to office. It may be given up to the Government servant if he resigns or is discharged from the service without fault, an entry to this effect being first made in the service book.

*Director General's Instructions.*—When the owner of the service book dies it should be made over (if applied for) to his nearest relative (or representative) on the authority of the Head of the Circle, Superintendent of Post Offices or Railway Mail Service, First Class Postmaster, Superintendent or Deputy Superintendent in charge of a Departmental Telegraph Office, Divisional Engineer (Telegraphs or Wireless), Controller of Telegraph Stores, Superintendent of Telegraph Workshops or Sub-Divisional Officer, Telegraphs, as the case may be.

[D. G. P. & T.'s U. O. No. P. & T./M.-307, dated 31st Mar. 1923.]

**S. R. 199.** Every step in a Government servant's official life must be recorded in his service book, and each entry must be attested by

the head of his office, or, if he himself is the head of an office, by his immediate superior. The head of the office must see that all entries are duly made and attested, and that the book contains no erasure or over-writing, all corrections being neatly made and properly attested.

*Government of India's orders.*—In relaxation of the provision of S. R. 199, Heads of Accounts Offices are permitted to delegate to a subordinate gazetted officer the duty of examining and attesting entries in the service books of the non-gazetted staff.

[G. I. F. D. letter No. F./35/I./R.-II, dated 2nd Mar. 1929.]

**S. R. 200.** Every period of suspension from employment and every other interruption of service must be noted, with full details of its duration, in an entry made across the page of the service book and must be attested by the attesting officer. It is the duty of the attesting officer to see that such entries are promptly made.

**S. R. 201.** Personal certificates of character must not, unless the head of the department so direct, be entered in a service book but, if a Government servant is reduced to a lower substantive post, the reason of the reduction must be briefly shown.

**S. R. 202.** It is the duty of every Government servant to see that his service book is properly maintained as prescribed in rule 199, in order that there may be no difficulty in verifying his service for pension. The head of the office should therefore permit a Government servant to examine his service book should he at any time desire to do so.

**S. R. 203.** If a Government servant is transferred to foreign service, the head of his office or department must send his service book to the audit officer. The audit officer will return it after noting in it, under his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government servants' re-transfer to Government service, his service book must again be sent to the audit officer, who will then note in it, over his signature, all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the audit officer.

rolls.

**S. R. 204.** In the case of policemen of rank not higher than that of head constable, there must be maintained for each district by the District Superintendent of Police a service roll in English, in which the following particulars should be recorded for each man holding substantively a permanent post in the constabulary :—

- (a) The date of his enrolment.
- (b) His caste, tribe, village, age, height and marks of identification when enrolled.
- (c) The rank which he from time to time holds, his promotions, and his reductions or other punishments.
- (d) His absences from duty, with or without leave.

- (e) Interruptions in his service.
- (f) Every other incident in his service which may involve forfeiture of a portion of it or may affect the amount of his pension.

The roll must be checked by the vernacular roll and order book and  
No. 37.

*Page 249, S. R. 205—*

*Delete* the words “ boatmen and ” occurring in this rule.

(This amendment takes effect from 2nd January 1931.)

[G. I., F. D., Correction No. 172 (S. R.), dated 14th February 1931.]

(No. 37, dated the 25th April 1931.)





**PART IV.—LEAVE.****Division VIII.—Authorities empowered to grant leave.**

[Rules made by the Governor General in Council under Fundamental Rule 68.]

**S. R. 206.** Any leave, other than special disability leave, admissible under the fundamental rules may be granted to a non-gazetted Government servant by the authority whose duty it would be to fill up his post if it were vacant. Non-gazetted Government servants.

**NOTE 1.**—The Superintendents of Salt Revenue, Bombay, are empowered to sanction leave other than disability leave, admissible under the fundamental rules, to the clerical establishment working under them, provided that no extra expenditure is involved in the case of leave granted otherwise than on full average pay equal to one-eleventh of the period spent on duty.

**NOTE 2.**—The Superintendent, Viceregal Estates, is empowered to sanction leave on average pay other than the full average.

**No. 135.**

*Page 251, S. R. 206—*

*Insert the following as Note 3 to this rule:—*

**“NOTE 3.**—The Presidency Postmasters, Calcutta, Bombay and Madras, and the Postmaster, Rangoon, are empowered to sanction leave, other than disability leave, to Government servants in the Lowest Selection Grade under their control.”

(This amendment takes effect from the 23rd May 1931.)

[G. I., F. D., Correction No. 134 (S. R.), dated the 10th August 1931.]

(No. 135, dated the 25th August 1931.)

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be certified by the Audit Officer.

[Ar. G.'s letter No. 1216-Admn./434-23, dated 31st October 1923.]

**S. R. 208.** On the receipt of such a report, any leave, other than special disability leave, admissible under the fundamental rules may be granted to a gazetted Government servant by a competent authority.

**Division IX.—Combination of holidays with leave and joining time.**

[Rules made by the Governor General in Council under Fundamental Rule 68.]

**S. R. 209.** When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays; provided that— General rule.

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;

- (b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties, and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

*Accountant General's decision.*—For the purpose of this rule, the days of rest earned by a sorter after performing his prescribed duty should not be treated as “holidays”. (The Government of India in the Department of Industries and Labour have accepted this decision.)

[A. G. P. T. No. Mis.-2810/L-4-23, dated 12th Dec. 1923.]

option.

**S. R. 210.** On condition that the departing Government servant remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under rule 209 is not applicable to any particular case.

not upon  
and  
allowances.

**S. R. 211.** Unless the competent authority in any case otherwise direct—

- (a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and
- (b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from, the day on which the leave or joining time would have ended if holidays had not been affixed.

### Division X.—Form of medical certificate of fitness to return to duty.

[Rules made by the Governor General in Council under Fundamental Rule 71.]

form of  
certificate.

**S. R. 212.** A Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form :—

“ I, A.B., \_\_\_\_\_ do hereby certify that I have examined C. D. of the \_\_\_\_\_ Department and that I consider him fit to resume his duties in Government service.”

by whom  
signed.

**S. R. 213.** If the Government servant on leave is a gazetted officer, such certificate should be signed by a commissioned medical officer or a medical officer in charge of a civil station. If the Government servant on leave is not a gazetted officer, the competent authority may, in its discretion, accept a certificate signed by any registered medical practitioner.

## Division XI.—Leave procedure in the case of Government servants in India.

[Rules made by the Governor General in Council under Fundamental Rule 74 (a) (i) and (ii).]

### SECTION I.—LEAVE ACCOUNTS.

**S. R. 214.** The leave account required by Fundamental Rule 76 shall be maintained in such form as the Auditor General may prescribe. By whom maintained.

**S. R. 215. (a)** The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the principal auditor responsible for the audit of his pay.

**(b)** The leave account of a non-gazetted Government servant shall

No. 99.

Page 253, S. R. 215—

*Insert* the following as item (2) of the “Auditor General’s decisions” under this rule, the existing decision being numbered (1):—

“(2) As the status of an officiating Gazetted Government servant during leave has been held to be non-gazetted [*vide* Auditor General’s decision (1) above], applications for extensions of leave by such a Government servant should be treated in the same way as similar applications from other non-Gazetted servants, that is to say, the procedure prescribed in rule 2 of Appendix 8 as amended by Correction No. 9, dated the 25th April 1931, should be followed. If the extension of leave applied for is leave in India, and the Government servants’ leave account is with the Audit Officer, the leave account should be called for by the Head of the Office from the former so that he may scrutinise the admissibility of the extension asked for and deal with the application for leave. As regards the fixation of the leave-salary to be drawn during such extension, the Audit Officer should, while communicating the amount of leave-salary payable during the first period of leave, also state what the “average pay” of the Government servant in question is, so that the officer drawing the leave-salary of the Government servant may determine the amount of leave-salary to be paid during the period of extension.”

[Ar. G.’s letter No. 727-Admn.-N/143-31, dated the 13th May 1931.]

(No. 99, dated the 25th June 1931.)

~~Other than leave on~~  
leave, must be submitted to the local ~~authority~~ authority by whom it will be forwarded to the Director General, Indian Medical Service. The Director General will countersign the application if the state of the public service admits of the grant of the leave; otherwise, he will abstain from countersigning it. In either case, he will forward the application for disposal to the authority competent to grant the leave.

Page 256, S. R. 229—

Insert the words “ in the form prescribed below this rule ” after the word “ Certificate ” in line 3 of clause (a) of this rule; and

Add the following below the Note to this rule :—

“ Signature of applicant.

*Medical Certificate for non-gazetted officers recommended for leave or extension or commutation of leave.*

I, \_\_\_\_\_ after careful personal examination of the case  
hereby certify that \_\_\_\_\_ whose signature is given above,  
is suffering from \_\_\_\_\_ and I consider that a period  
of absence from duty of \_\_\_\_\_ is absolutely necessary for  
the restoration of his health.

Dated

The

Government Medical Attendant  
or Other registered practitioner.

NOTE 1.—The nature and probable duration of the illness should be specified—*vide* clause (a).

NOTE 2.—This form should be adhered to as closely as possible, and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

Second Medical opinion (if called for by the authority competent to sanction leave).

Agency or Civil Surgeon.

NOTE.—Should a second Medical opinion be required the leave sanctioning authority should arrange for the second medical examination to be made at the earliest possible date. The Agency or Civil Surgeon's opinion both as to the facts of illness, and the necessity for the amount of leave applied for, should be recorded. He may require the applicant to appear before him or before a medical officer nominated by him—*vide* clauses (b) and (c)."

[G. I., F. D., Correction No. 173 (S. R.), dated 16th March 1931.]

(No. 40, dated the 25th April 1931.)

(e) The fact that any such applicant has been refused leave in the public interests.

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unlikely  
be fit to  
turn to  
ity.

**S. R. 233.** When a medical committee in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may be granted, if due, by a competent authority on the following conditions :—

(a) If the medical committee is unable to say with certainty that the Government servant will never again be fit for

service in India, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical committee.

- (b) If the medical committee declares the Government servant to be completely and permanently incapacitated for further service in India, the Government servant should, except as provided in clause (c) below, be invalidated from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report.
- (c) A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

**S. R. 234.** Leave should not be granted to a Government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

Grant of leave to a Government servant who ought to be dismissed.

**S. R. 235.** If, in a case not covered by rule 234, an authority competent to remove a Government servant from service decides, before such Government servant departs from India on leave, that he will not be permitted to return to duty in India, it must inform him to that effect before he leaves India.

Procedure when a Government servant is not allowed to return to duty after leave.

**S. R. 236.** If, when a Government servant is about to depart from India on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India, whether it will be permanent or temporary; or if for any reason it is considered inexpedient that a Government servant on leave should return to India; a full report of the circumstances must be made by the Governor General in Council to the India Office in time to enable the Secretary of State in Council to take any necessary measures before the Government servant would in the ordinary course be permitted to return to duty. The report should in any case reach the India Office at latest three months before the end of the Government servant's leave. Local administrations must communicate the facts to the Governor General in Council in time to permit of the punctual submission of such report.

**S. R. 237.** When leave on medical certificate has been granted to a Government servant or, in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in

Cases in which a copy of the medical statement of a case must

forwarded  
to the High  
Commissioner  
for India.

Europe, North Africa, America or the West Indies, the Governor General in Council or the local administration, as the case may be, must without delay forward a copy of the medical statement of the case to the High Commissioner for India.

**S. R. 237A.** When a Government servant who has been granted leave for reasons of health proceeds to any of the localities named in Rule 252, the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under the second sentence of Fundamental Rule 71.

#### SECTION V.—DEPARTURE ON LEAVE.

procure  
a departure  
on leave  
from India.

**S. R. 238.** Every Government servant proceeding on leave out of India should procure from the audit officer and take with him a copy of the memorandum of information issued for the guidance of Government servant proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

**S. R. 239.** A Government servant taking leave out in India must, if so required by the audit officer, report his embarkation through that officer to the authority which granted his leave, in such form as the Auditor General may prescribe.

#### SECTION VI.—RETURN FROM LEAVE.

report of  
return.

**S. R. 240.** A gazetted Government servant, on return from leave, must report his return to the Government under which he is serving. A chaplain must report his return to the Bishop of his diocese also.

*Director General's Instructions.*—A report of arrival at the port of debarkation on return from leave out of India must be telegraphed to the Head of the Circle concerned or the Director General as the case may be.

[Para. 101, Telegraph Manual, Vol. I (1916).]

**S. R. 241.** A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders.

*Director General's Instructions—*

(1) A gazetted Government servant of the Posts and Telegraphs Department on return from leave out of India must call on the Superintendent in charge of the Telegraph Office or on the Postmaster of the Presidency or Head Post Office at the port of debarkation to see if any order of posting has been kept in waiting for him and in the absence of any such order he must report his return to duty by telegraph to the Director General and await orders.

(2) Gazetted Officers, if they intend to return from leave out of India before its expiry, must communicate their intention of doing so to (a) the Director General, if the leave is granted by him and (b) the Postmaster General, Bombay, if the leave is granted by the Head of a Circle.

[D. G. P. T.'s letter No. A. P.-29-K., dated 6th June 1927.]

## Division XII.—Leave procedure in the case of a Government servant on leave out of India.

[Rules made by the Governor General in Council under Fundamental Rule 74 (b).]

### REPORT OF ARRIVAL IN THE UNITED KINGDOM.

**S. R. 242.** A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

### PAYMENT OF LEAVE-SALARY.

**S. R. 243.** No Government servant can begin to draw leave-salary from the Home Treasury until he has presented to the High Commissioner a leave-salary certificate in such form as the Auditor General may prescribe. Payment at the Home Treasury.

*Auditor General's Instructions.*—The certificates or reports referred to in paragraph 22 of Appendix 10 to the Audit Code (Appendix 8 to this volume) should be despatched with least possible delay, to the High Commissioner for India, India Office, in the case of officers who intend to draw their leave salary in England.

[Ar. G.'s No. 183-Code/Ref.-21, dated 21st Feb. 1923.]

**S. R. 244.** Leave-salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

**S. R. 245.** Payment will be made, at the option of the Government servant drawing leave-salary, by any of the following methods :—

- (a) To the Government servant himself on his personal application.
- (b) To his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Secretary of State or the High Commissioner against loss consequent upon dispensation with proof of existence, a life certificate is unnecessary.

**NOTE.**—A supply of life certificate forms may be obtained from the High Commissioner.



- (c) To the presenter of a payment form, comprising a receipt and a life certificate, both duly completed by the Government servant.

**NOTE.**—If the Government servant intimates to the High Commissioner the election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

ment in a  
y.

**S. R. 246.** No Government servant can begin to draw leave-salary from a Colonial treasury until a warrant in form I has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the issuing authority to the Colonial authority concerned; the duplicate to the High Commissioner; and the triplicate will be retained by the Government servant. Payment of leave-salary will not be made unless the Colonial authority is in possession of the original and the Government servant of the triplicate of the warrant.

**S. R. 247.** Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the Government servant upon the back of both copies.

**S. R. 248.** When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the Colonial disbursing officer.

**S. R. 249.** If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the Governor General in Council and to the High Commissioner.

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**S. R. 250. (a)** If a Government servant who is drawing his leave-salary in a Colony desires to transfer payment to the Home Treasury, he may do so on production of his warrant to the High Commissioner.

**(b)** If a Government servant who is drawing his leave-salary from the Home Treasury desires to transfer payment to a Colony, he must obtain a warrant in form I from the High Commissioner; who will forward the original of the warrant to the Colonial authority concerned.

**(c)** A transfer sanctioned under clause (a) or (b) of this rule must be reported by the Government servant to the Governor General in Council.

#### EXTENSION OF LEAVE.

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**S. R. 251.** A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

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**S. R. 252.** An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies

must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

Government servants on leave in Europe, North Africa, America or the West Indies.

*Government of India orders—*

(1) It has been arranged that notification of the grant of extensions of leave and of permission to return to duty in the case of officers including military officers, under civil leave rules, serving under departments administered by the several Departments of the Government of India, will in future be sent by the High Commissioner for India to the Department concerned and not to the Finance Department as hitherto and that the necessary communication to Accounts Officers and others will be made by the Department receiving the intimation.

[G. I. F. D. No. 2332-C. S. R., dated 22nd Dec. 1929.]

(2) When an application for extension of leave is received by an authority other than the High Commissioner from a Government servant on leave in any of the localities mentioned in Rule 11 of the Leave Procedure Rules (S. R. 252) framed by the Governor General in Council under F. R. 74 (b), the Local Government will inform the officer whether or not there is any objection to the grant of the desired extension, and if the extension is approved, instruct him to apply to the High Commissioner for the formal grant.

[G. I. F. D. letter No. F./303-C. S. R./25, dated 14th Oct. 1925.]

**S. R. 253.** If a Government servant on leave in any of the localities named in rule 252 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appeal at the India Office for examination by the Board; but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

**S. R. 254.** If a Government servant on leave in any of the localities named in rule 252 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the India Office, by the procedure described in rule 253, that he has recovered his health.

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**S. R. 255.** An application for extension of leave by a Government servant on leave out of India elsewhere than in the localities named in rule 252 must be made to the authority which granted the leave.

**S. R. 256.** If an application made under rule 255 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form :—

“ We hereby certify that we have carefully examined C. D. of the.....who is suffering from .....and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on....., shall be extended by.....

months  
weeks

Date.....

Place.....

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

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**S. R. 257.** An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, unless he produces a certificate of leave in form II.

#### RETURN FROM LEAVE.

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**S. R. 258.** A Government servant who is required, by or under fundamental rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

**S. R. 259.** If the Government servant desiring to return is on leave in any of the localities named in rule 252, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in rule 253. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

*Government of India's order.—Vide Government of India's order (1) under S. R. 252.*

**S. R. 260.** If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in rule 252, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

**S. R. 261.** Permission to return cannot be granted to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, until he produces a certificate of leave in form II.

**S. R. 262.** Before returning to duty, a Government servant on leave Last-pay in Europe must obtain a last-pay certificate from the High Commis- certificate. sioner. A last-pay certificate cannot be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave in form II. A Government servant who has drawn his leave-salary on a warrant must, on return to India, deliver to the audit officer his copy of the warrant, which will serve as a last-pay certificate.

### Division XIII.—Vacation Departments.

[Rules made by the Governor General in Council under Fundamental Rule 82 (a).]

**S. R. 263.** A vacation department is a department, or part of a Government department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty. Government servants who serve in vacation departments.

**S. R. 264.** The following classes of Government servants serve in vacation departments when the conditions of rule 263 are fulfilled :—

- (a) Educational officers, other than inspecting officers, and their establishments.
- (b) Judicial officers of rank not higher than that of subordinate judge and their establishments.
- (c) Any other class of Government servant which a competent authority may declare to be so serving.

**S. R. 265.** In case of doubt, a competent authority may decide whether or not a particular Government servant is serving in a vacation department.

**S. R. 266.** A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required, by general or special order of a higher authority, to forego such vacation or portion of a vacation; provided that, if he has been prevented by such an order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation. When vacation is treated as taken.

### Division XIV.—Maternity leave.

[Rules made by the Governor General in Council under Fundamental Rule 101 (a).]

**S. R. 267.** A competent authority may grant to a female Government servant maternity leave on full pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever be earlier.

**S. R. 268.** Leave of any other kind may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate.

### Division XV.—Hospital leave.

[Rules made by the Governor General in Council under Fundamental Rule 101 (b).]

**NOTE.**—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under these Rules shall be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

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anted.

**S. R. 269.** A competent authority may grant hospital leave to Government servants of the following classes while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties :—

- (a) Police officers of rank not higher than that of head constable.
- (b) Government servants of the Northern India Salt Revenue Department of rank not higher than that of kotgasht.
- (c) Forest subordinates, other than clerks, in receipt of pay not exceeding Rs. 40.
- (d) Head warders or warders, male or female, of jails or lunatic asylums and matrons of the Jail Department.
- (e) Overseers of mail lines, postmen, mail carriers and mail coachmen.
- (f) Subordinates of the Railway Mail Service.
- (g) Non-pensionable railway servants other than gazetted officers.
- (h) Government servants employed in Government Presses, whether on fixed pay or at piece rates.
- (i) Subordinates employed in Government laboratories.
- (j) Subordinates employed on the working of Government machinery.
- (k) Peons and guards in permanent employ.
- (l) Syces of Government stallions.

- (m) Subordinates of the Bombay Salt Department on pay not exceeding Rs. 40 per mensem.

*Accountant General's decision.*—Hospital leave may be allowed to peons and porters of the Railway Mail Service.

[A. G. P. T.'s No. Mis.-192/H.-23, dated 18th May 1924.]

**S. R. 270.** Hospital leave may be granted on leave-salary equal to either average or half average pay, as the authority granting it may consider necessary. Amount of leave-salary.

*Accountant General's decisions—*

(1) The orders in Government of India, Finance Department letter No. 7-C. S. R., dated 8th January 1923 (*vide* entry below F. R. 2) do not apply in the case of Hospital leave. Even under the Civil Service Regulations conditions, the leave-salary of a Government servant on Hospital leave was not limited by the condition that there should not be any extra cost. It is also not so limited under the Supplementary Rules.

(2) The expression "average or half-average pay" is used to comply with a definition in the Fundamental Rules and not with deliberate intention to rule out F. R. 87 which is general.

[A. G. P. T. Nos. Mis.-3445/H.-23 and Mis.-3576/H.-23, dated 25th Feb. 1924 and 6th March 1924 respectively.]

**S. R. 271.** Except as provided in rule 272, the amount of hospital leave which may be granted to a Government servant is limited to three months on average pay in any period of three years. Hospital leave on half average pay counts, for the purpose of this limit, as half the amount of leave on average pay. Extent of leave.

*Accountant General's decision.*—The period of "three years" referred to in this Rule should at any time be calculated *backward* from the end of the actual period of the Hospital leave proposed to be granted, whether on average or half-average pay.

[A. G. P. T.'s No. Mis.-3576/H.-23, dated 6th March 1924.]

**S. R. 272.** The amount of hospital leave which may be granted by the Railway Board to railway subordinates injured while on duty is unlimited, and the Board may delegate to Agents of State Railways such powers in this connection as it may think fit.

**S. R. 273.** Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible; provided that the total period of leave, after such combination, shall not exceed 28 months. Combination with other leave.

*Government of India's decision.*—The limit of 8 months [*vide* F. R. 81 (b)] is not applicable when hospital leave is taken in combination with ordinary leave on average pay.

[G. I. F. D. No. F./239-C. S. R., dated 10th Aug. 1926.]

### Division XVI.—Seamen's Sick-leave.

[Rules made by the Governor General in Council under Fundamental Rule 102.]

**NOTE.**—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under these Rules shall be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

**S. R. 274.** A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted by a competent authority leave on leave-salary equal to full pay for a period not exceeding six weeks; provided that such leave shall not be granted if a responsible medical officer certifies that the Government servant is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

**S. R. 275.** A seaman disabled in the exercise of his duty may be allowed leave on leave-salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled :—

- (a) A Government medical officer must certify the disability.
- (b) The disability must not be due to the seaman's own carelessness or inexperience.
- (c) The vacancy caused by his absence must not be filled.

### Division XVII.—Departmental leave.

[Rules made by the Governor General in Council under Fundamental Rule 2.]

**S. R. 276.** The following rules govern the grant of leave to Government servants of the following classes serving in the Survey of India Department and not being members of the upper subordinate service or of the establishments of the head quarter officer in Calcutta or Dehra Dun :—

- (a) Subordinates in superior service.
- (b) Menials attached to parties or offices.

**S. R. 277.** In addition to leave under chapter X of the Fundamental Rules, departmental leave may be granted in the circumstances and on the conditions prescribed in rules 278 to 283.

**S. R. 278.** (a) Departmental leave may not be granted except to a Government servant whose services are temporarily not required.

(b) It may be granted during the recess by the head of the party or office to which the Government servant belongs : provided, in the case of a menial, that the officer granting the leave considers it desirable to re-employ the menial in the ensuing season.

(c) It may be granted at times other than the recess, for not more than six months at a time, by Superintendents in charge of circles or the Superintendent of the Trigonometrical Survey, provided that the leave is granted in the interests of Government and not at the Government servant's own request; and leave so granted may in special cases be extended by the Surveyor General up to a maximum of one year in all. Leave on medical certificate should never be regarded as granted in the interests of Government.

**S. R. 279.** Departmental leave may be granted on such leave-salary, not exceeding half pay, as the officer granting the leave may think fit. The leave-salary is payable on return to duty after the expiration of the leave, and is not payable unless the Government servant returns to duty when required by his superior officer to do so. If, however, a Government servant dies while on departmental leave, his leave-salary up to the date of his death will be paid to his heirs.

**S. R. 280.** Departmental leave does not count as duty and will be debited to the leave account as though it were leave on half average pay.

**S. R. 281.** Departmental leave may be granted when no leave is due. Departmental leave granted shall not be taken into account when calculating the maximum amount of leave admissible under fundamental rule 82 (a).

**S. R. 282.** Departmental leave may be combined with any other kind of leave which may be due.

**S. R. 283.** When a Government servant subject to these rules holds a post in which the Surveyor General considers that he is unlikely to be eligible for departmental leave in future, the Surveyor General may, by special order in writing, declare that, with effect from such date, not being earlier than the Government servant's last return from departmental leave, as the Surveyor General may fix, any balance of leave at debit in the Government servant's leave account shall be cancelled. All leave earned after such date will be credited as due in the Government servant's leave account, and all leave taken after such date, including departmental leave, if any, will be debited in it.

## Division XVII-A.—Leave admissible to Motor Drivers of the Calcutta General Post Office.

[Rules made by the Governor General in Council under Fundamental Rule 2.]

**S. R. 283A.** The only leave which may be granted to a member of the permanent non-pensionable establishment of Motor Drivers of the Calcutta General Post Office shall be as follows :—

Leave on full pay for three weeks in each year. Such leave may not be accumulated.



### Division XVIII.—Leave earned by temporary and Officiating service.

[Rules made by the Governor General in Council under Fundamental Rule 103 (a).]

temporary  
engineers.

**S. R. 284.** A competent authority may grant to a temporary engineer of the Public Works or Railway Department leave on such terms and with such leave-salary as it may think fit, provided that the leave and leave-salary are not in excess of those admissible to a Government servant subject to the ordinary leave rules.

or  
Government

**S. R. 285.** Leave may be granted to any other Government

No. 45.

Page 268, S. R. 285—

Substitute the words “average pay” for the words “full pay” in line 1 of clause (a) of this rule; and

Substitute the following for the existing clause (b) of this rule:—

“(b) on medical certificate, leave on leave-salary equivalent to half-average pay up to two-elevenths of the period spent on duty, subject to a maximum of three months at a time, or ”..

[G. I., F. D., Correction No. 175 (S. R.), dated 8th April 1931.]

(No. 45, dated the 25th April 1931.)

~~that clause, leave on leave-salary equivalent to full pay to the extent of one month for each year of duty in which he has not availed himself of any part of the vacation.~~

*Audit Instruction.*—The different kinds of leave referred to in clauses (a), (b) and (c) of Supplementary Rule 285 are cumulative and not alternative.

[Para. 13, Sec. II of Manual of Audit Instructions (1926).]

**S. R. 285A.** Subject to the general condition that the leave granted shall not be on more favourable terms than if the service had been substantive, permanent and continuous, and to any other conditions that the Governor General in Council may think fit to impose, he may grant to a Government servant whose service is temporary or officiating leave otherwise than under the above rules.

**S. R. 286.** If such a Government servant is, without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under rule 285. Leave taken under rule 285 is not an interruption of duty for the purpose of this rule.

**NOTE.**—[For the purpose of this rule, uninterrupted temporary and officiating service rendered before 1st January 1922, including privilege leave

taken during such service, may be taken into account in calculating the amount of leave to be credited to the Government servant's leave account. Uninterrupted temporary and officiating service under a provincial Government, whether rendered before or after 1st January 1922, may also be taken into account, if, under the rules laid down by that Government, it would have counted had the Government servant in question continued in the service of that Government without a break till confirmation.]

*Auditor General's decision.*—The words “interruption of duty” in Supplementary Rule 286, should be interpreted as “cessation of employment in Government service” and the proviso in Article 370, Civil Service Regulations to the effect that the particular temporary office in which service was rendered must eventually have been made permanent is no longer applicable. The interruption of duty referred to in Article 420 (d), Civil Service Regulations is an interruption while that referred to in Article 420 (g) is not an interruption within the meaning of Supplementary Rule 286.

[Ar. G.'s No. 64-A./205-22, dated 17th Jan. 1923.]

### Division XIX.—Leave earned by part-time service.

[Rules made by the Governor General in Council under Fundamental Rule 103 (c).]

**S. R. 287.** A law officer holding one of the posts mentioned in fundamental rule 99, if his pay is fixed at a definite rate but his whole time is not retained for the service of Government, may be granted leave as follows :—

- (a) Leave on full pay during the vacation of the High or Chief Court within whose jurisdiction he serves; provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.
- (b) Leave on half pay for not more than six months once only in his service after six years of duty.
- (c) On medical certificate, leave on half pay up to a maximum of 20 months at any one time; provided that three years of duty must intervene between any two periods of leave on medical certificate.
- (d) On the conditions prescribed in fundamental rule 86, extraordinary leave.

**S. R. 288.** Leave under any one of the clauses of rule 287 may be combined with leave under any other clause.

### Division XX.—Leave earned by service remunerated by fees or daily wages.

[Rules made by the Governor General in Council under Fundamental Rule 103 (c).]

**S. R. 289.** A Government servant remunerated by fees may be granted leave on the terms laid down in rules 287 and 288, provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government, and that,

Government servants remunerated by fees.

during leave of the kind contemplated by clause (b) of rule 287, the whole of the fees are paid to the person who officiates in his post.

*Government of India's decision.*—Leave-salary of Task-work delivery peons who have elected to come under the Fundamental Rules as well as those who have not so elected, is determined as follows:—

- (a) Task-work delivery peons will draw double subsistence allowance only on privilege leave under the old rules or on the leave corresponding to what used to be Privilege Leave, that is to say leave admissible under rule 81 (b) (ii) of the Fundamental Rules, and such peons are not entitled to take leave on average pay or double subsistence allowance on medical certificate up to eight months under the proviso to the rule of Fundamental Rules referred to.
- (b) Any leave taken on medical certificate or any form of leave other than Privilege Leave should be on the ordinary subsistence allowance.
- (c) When the employment of substitutes in place of Task-work peons on any kind of leave is unavoidable they should ordinarily be employed on such task-work fees only as they may be able to earn. If, however, substitutes are not procurable on these terms they may be granted, in addition to task-work fees, an allowance not exceeding the amount of the subsistence allowance prescribed for the office concerned.

[F. A. P. T.'s No. G. Z.-9, dated 7th Aug. 1923.]

Daily  
labourers in  
railway  
workshops.

**S. R. 290.** A labourer employed on daily wages in a State railway workshop when temporarily absent from work owing to injuries received while on duty, may be granted by the Railway Board leave on full wages to such extent as may be considered necessary. The Railway Board may delegate to Agents of State railways such powers in this respect as it may think fit.

The Agents of State railways may delegate to authorities subordinate to them the whole or part of the powers delegated to them in this respect.

**NOTE.**—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under this Rule shall be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

### Division XXI.—Leave earned by probationers and apprentices.

[Rules made by the Governor General in Council under Fundamental Rule 104 (b).]

Probationers

**S. R. 291.** Leave may be granted to a probationer, if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation.

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**S. R. 292.** Leave of the following kinds may be granted to an Apprentices apprentice :—

- (a) On medical certificate, leave on leave-salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship.
- (b) Extraordinary leave under fundamental rule 85.



## PART V.—JOINING TIME.

## Division XXII.—Amount of joining time admissible.

[Rules made by the Governor General in Council under Fundamental Rule 106.]

**S. R. 293.** Not more than one day is allowed to a Government General rules. servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

**S. R. 294.** Except as provided in rule 294A, the joining time of a Government servant in cases involving a necessary change of station is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows :—

(a) A Government servant is allowed—

For the portion of the journey which he travels or might travel.	One day for each.
By railway . . . . . 250 miles.	} or any longer time actually occupied in the journey.
By ocean steamer . . . . . 200	
By river steamer . . . . . 80	
— — — horse-drawn con-	

Page 273, S. R. 294—

No. 35.

Substitute the following for clause (b) of this rule :—

“(b) A day is allowed for any fractional portion of any distance prescribed in clause (a).”

[G. I., F. D., Correction No. 171 (S. R.), dated 9th December 1930.]

(No. 35, dated the 25th April 1931.)

- (d) Travel by road not exceeding five miles to or from a station at the beginning or end of a journey does not count for joining time.
- (e) A Government servant whose pay does not exceed Rs. 100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire, and his joining time is calculated accordingly.
- (f) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days.

**EXCEPTION.**—The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under this rule.

*Audit Instruction.*—The concession referred to in clause (c) of this rule is intended to apply also in cases where the entire journey is to be performed by steamer.

This rule has further been interpreted to mean that if a steamer is not due to start immediately after the expiry of 6 days from the day when the Government servant gives over charge, the Government servant may add to his joining time the number of days intervening between the expiry of the six days and the departure of the next steamer, whether he actually starts during the first six days or by the next boat after their expiry.

[Para. 14, Sec. II of Manual of Audit Instructions (1926).]

*Director General's Instructions—*

(1) In the case of Telegraph Masters and other members of the Signalling establishment of the Traffic Branch who are transferred at their own request and expense, only the actual time occupied in the journey excluding the intervening Sundays, if any, should be allowed as joining time. A ministerial servant transferred at his own request may have joining time up to the limit given in S. R. 294 without incurring the penalty laid down in F. R. 108, but he will not be entitled to draw any pay during the period of transit—*vide* Note 2 below F. R. 107.

[D. G. P. T. No. 764-G./24, dated 10th Oct. 1924, 30th Jan. 1925 and 8th June 1925.]

(2) The concession of six days for preparation will not ordinarily be allowed to Reserve clerks sanctioned for employment in leave vacancies when they are required to move from one office to another. It is, however, at the discretion of the sanctioning authority to grant joining time up to the full time in cases where this is really necessary.

[D. G. P. T. Nos. A. M.-20 and 22-A. P., dated 11th April 1923 and 15th March 1924.]

(3) Six days for preparation should *not* ordinarily be allowed on the occasion of journeys to and from the place of training to an official of the Indian Posts and Telegraphs Department and also in cases where after training an official is posted to a station other than the one from which he proceeded to the Training Class directly or in continuation of leave on average pay for not more than four months. The actual period taken in transit should however be calculated as in S. R. 294. Joining time so calculated should be allowed even in cases in which leave on average pay not exceeding four months precedes or succeeds the period of training.

[D. G. P. T. Memo. No. 228-B., dated 12th Dec. 1923, and letter No. 207-S. B./29, dated 17th May 1929.]

**S. R. 294A. (a)** The joining time of a Government servant who is transferred from or to one of the localities specified in column 1 of

the table in rule 303, shall, if the journey has to be made through a station specified against that locality in column 2 of the table, be six days for preparation and, in addition :—

- (1) For the portion of the journey between the stations specified in the table in rule 304, the actual time spent on the journey or the period shown for the journey in that table whichever is less.
- (2) For the remaining portion of the journey, joining time as calculated under rule 294, omitting the period for preparation.

(b) The joining time of a Government servant who is transferred from one to another of the stations named in the table below shall be a period of six days for preparation and, in addition, the actual time spent on the journey, but shall not exceed the period prescribed for the particular journey in the table. If, however, leave intervenes between the dates of relief at one station and of assumption of duty at the other, any joining time admissible under rules 303 and 304 may be taken in addition.

Journey.	Period.
Between Meshed and Birjand . . . .	13 days.
Between Meshed and Duzdap . . . .	21 days.
Between Birjand and Duzdap . . . .	13 days.
Between Meshed and Seistan . . . .	32 days.
Between Birjand and Seistan . . . .	24 days.
Between Meshed and Khanikin . . . .	26 days.

**S. R. 295.** When a Government servant, returning from leave out of India exceeding four months, takes joining time before joining his post, his joining time shall be calculated as prescribed in rule 294 or 294A; provided that it shall, if he so desire, be subject to a minimum of ten days.

Minimum in the case of Government servants returning from long leave out of India.

**S. R. 296.** By whatever route a Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travellers ordinarily use.

Route by which calculated.

### No. 103.

Page 275, S. R. 298—

Insert the following “ Audit Instruction ” under this rule :—

“ *Audit Instruction.*—A second period of 6 days for preparation should not be allowed in calculating the joining time of a Government servant who is appointed to a new post while in transit from one post to another.”



over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case the period may be treated as joining time.

**S. R. 300.** If a Government servant is appointed to a new post while on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever calculation will entitle him to the less joining time.

*Audit Instruction.*—See Audit Instruction (5) below F. R. 105.

Special  
concessions.

**S. R. 301.** A competent authority may in any case extend the joining time admissible under these rules, provided that the general spirit of the rules is observed.

**S. R. 302.** Within the prescribed maximum of 30 days, a competent authority may, on such conditions as it thinks fit, grant to a Government servant a longer period of joining time than is admissible under the rules in the following circumstances :—

- (a) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; or
- (b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or
- (c) when the rules have in any particular case operated harshly; as, for example, when a Government servant has through no fault on his part missed a steamer or fallen sick on the journey.

**S. R. 302A.** When a Government servant under the administrative control of the Governor General in Council is transferred to the control of a Government which has made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules.

### Division XXIII.—Places and stations to which Fundamental Rule 105 (d) applies.

[Rules made by the Governor General in Council under Fundamental Rule 106.]

Places and  
stations to  
which the  
rule is  
applicable.

**S. R. 303.** Government servants posted at the places named in column 1 of the following table are entitled to joining time under Fundamental Rule 105 (d), during journeys made while proceeding on or returning from leave, between any such place and the station.

named against it in column 2 of the table, subject to any conditions mentioned in column 3 of the table :—

Place.	Station.	Conditions.
1	2	3
Seistan, Birjand, Duzdap and the Khorasan Agency.	Quetta, Spezand or Khanikin.	
Kashgar . . . . .	Srinagar . .	
Kerman . . . . .	Quetta or Karachi.	
Any other place in Persia, and any place in the Persian Gulf, Arabia or Mesopotamia.	Karachi . .	
Chumbi or Gyantse . . . .	Gangtok . .	
Nepal . . . . .	Raxaul . .	For the British Envoy at the Court of Nepal, the Legation Surgeon, Nepal, and the clerical establishment of the British Legation.
Aden . . . . .	Bombay or Karachi.	
Port Blair . . . . .	Calcutta, Madras or Rangoon.	
Places in Nushki-Seistan trade route.	Nushki . .	For Postal and Telegraph officials only.
Gilgit Agency and Chilas . .	Srinagar . .	The concession is not to be enjoyed by any particular clerk more than once in four years.
Kabul . . . . .	Peshawar . .	
Jalalabad . . . . .	Peshawar . .	
Kandahar . . . . .	Chaman . .	
Any place in Persia and the Persian Gulf.	Basra . .	Provided that the journey to Europe is made by the overland route <i>via</i> Baghdad and Haifa or Beyrout.
Mekran . . . . .	Karachi or Mastung.	The concession is not to be enjoyed by any particular clerk more than once in four years.
General light-houses in Burma .	Rangoon . .	Provided that joining time is granted to the Government servant only when returning

## No. 30.

Page 277, S. R. 303—

Add the following to the table below this rule :—

## No. 117.

Page 277, S. R. 303—

Add the following at the end of the table below this rule :—

Jeddah . . . . .	Bombay or Karachi.	For the staff of the Indian Vice-Consulate.
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(This amendment takes effect from the 4th September 1930.)

[G. I., F. D., Correction No. 180 (S. R.), dated 10th July 1931.]

post or on the day of his arrival at the station named in column 2 of the table below rule 303, according as the Government servant is departing on or returning from leave :—

Journey.	Period.
Between Nasratabad and Quetta . . .	21 days.
„ Birjand and Quetta . . .	18 days.
„ Meshed and Quetta or Spezand . . .	26 days.
„ Kashgar and Srinagar . . .	50 days
„ Kerman { Quetta <i>via</i> Duzdap . . . and { Karachi <i>via</i> Bundar Abbas or Basrah . . .	21 days.
„ Shiraz and Karachi . . .	26 days.
„ Kermanshah and Karachi, <i>via</i> Basra and Baghdad.	23 days.
„ Dizful and Karachi . . .	19 days.
„ Ahwaz and Karachi . . .	15 days.
„ Maskat and Karachi . . .	10 days.
„ Baghdad and Karachi . . .	20 days.
„ Bunder Abbas and Karachi . . .	13 days.
„ Bushire and Karachi . . .	12 days.
„ Mohammerah and Karachi . . .	13 days.
„ Bahrein } Koweit } and Karachi . . . Lingah }	The actual number of days occupied in the trans- mission of mail letters at the time when the journey is made; <i>plus</i> 8 days.
„ Chumbi and Gangtok . . .	4 days.
„ Gyantse and Gangtok . . .	14 days.
„ Port Blair and Calcutta . . .	7 days.
„ Port Blair and Madras . . .	7 days.
„ Port Blair and Rangoon . . .	4 days.
The Chief Com- missioner, An- daman and Nicobar Is- lands, has full power to in- crease the maximum pe- riod of joining time in special circumstances when a voyage to or from Calcutta, Mad- ras or Rangoon takes a longer time.	
„ Khatmandu and Raxaul . . .	5 days.
„ Aden and Bombay or Karachi . . .	12 days.
„ Dalbandin and Nushki . . .	1 day.
„ Nok-kundi and Quetta . . .	2 days.
„ Mirjawa and Quetta . . .	2 days.
„ Duzdap and Quetta . . .	3 days.
„ Khwash and Quetta . . .	6 days.
For Postal and Telegraph offi- cials only.	

Journey.	Period.
Between Gilgit Agency and Chilas } and Srinagar	14 days.
„ Kabul and Peshawar . . . . .	12 days.
„ Jalalabad and Peshawar . . . . .	10 days.
„ Kandahar and Chaman . . . . .	10 days.
„ Kerman and Basra . . . . .	31 days.
„ Shiraz and Basra . . . . .	24 days.
„ Dizful and Basra . . . . .	14 days.
„ Ahwaz and Basra . . . . .	10 days.
„ Bushire and Basra . . . . .	10 days.
„ Bunder Abbas and Basra . . . . .	13 days.
„ Lingah and Basra . . . . .	The actual number of days occupied in the transmission of mail letters at the time when the journey is made; <i>plus</i> 8 days.
„ Koweit and Basra . . . . .	
„ Bahrein and Basra . . . . .	
„ Maskat and Basra . . . . .	15 days.
„ Mohammerah and Basra . . . . .	8 days.
„ Kermanshah and Basra . . . . .	12 days.
„ Mekran and Karachi or Mastung . . . . .	15 days.
„ Duzdap and Quetta . . . . .	6 days.
	17 days for journeys con-

## No. 31.

Page 279, S. R. 304—

Add the following to the table below this rule:—

Between Baghdad and Karachi	7 days.
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(This amendment takes effect from 25th September 1930.)

[G. I., F. D., Correction No. 167 (S. R.), dated 9th December 1930.]

(No. 31, dated the 25th April 1931.)

## No. 118.

Page 279, S. R. 304—

Add the following at the end of the table below this rule:—

Between Jeddah and Bombay or Karachi	20 days
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(This amendment takes effect from the 4th September 1930.)

[G. I., F. D., Correction No. 180 (S. R.), dated 10th July 1931.]

(No. 118, dated the 25th July 1931.)



**PART VI.—FOREIGN SERVICE.****Division XXIV.— Interest on overdue contributions.**

[Rules made by the Governor General in Council under Fundamental Rule 119 (b).]

**S. R. 307.** If a contribution for leave-salary or pension, due in respect of a Government servant in foreign service, is not paid within fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant concerned, interest  
**No. 104.**

*Page 281, S. R. 307—*

*Read “per” for “pr” in line 7 of this rule.*

(No. 104, dated the 25th June 1931.)



**PART VII.— DELEGATIONS.****Division XXV.**

[Orders issued by the Governor General in Council under Fundamental Rules 4, 6 and 7.]

**S. R. 308.** (a) Appendix 4 schedules the delegations of powers made by the Governor General in Council under fundamental rules 4 and 6.

(b) Appendix 13 schedules the authorities subordinate to the Governor General in Council which exercise the powers of a competent authority under the various supplementary rules made under the fundamental rules by the Governor General in Council in virtue of the power conferred upon him by fundamental rule 4.

(c) For convenience of reference, cases in which the Finance Department has declared, under fundamental rule 7, that its consent may be presumed to have been given to the exercise by a Department of the Government of India of powers conferred by the fundamental rules upon a local Government have been included as delegations in both appendices.

**S. R. 309.** The Finance Department has declared, under fundamental rule 7, that its consent may be presumed to have been given to the exercise by the authorities to whom they are delegated of the powers delegated by appendices 4 and 13.

**S. R. 310.** The delegations made in appendices 4 and 13 are subject to the following conditions :—

- (a) A power may be exercised by an authority to which it is delegated in respect of those Government servants only who are under the administrative control of that authority.
- (b) The nature of each power delegated is shown in column 3 of the appendices. The delegation extends to the power so specified only, and not to any other power conferred by the rule quoted in column 2.
- (c) If any power conferred upon a local Government or a competent authority by the fundamental or the supplementary rules, as the case may be, is not shown in the appendices, it is to be understood that such power is not delegated to any authority subordinate to the Governor General in Council.
- (d) Any power delegated by either appendix to a head of a department may be exercised by a Chief Commissioner, a political resident of the first class, a Department of the Government of India or the Railway Board.
- (e) Nothing contained in appendices 4 and 13 will operate to restrict powers conferred upon any authority by other rules made under the Act.



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- (f) The Finance Department has declared, under fundamental rule 7, that its consent may be presumed to have been given to the exercise by the Railway Department of any power under the fundamental rules which is shown as conceded to that department in the schedule of the powers of the Government of India in the Railway Department in railway matters, whether or not such power is scheduled in appendices 4 and 13.

**PART VIII.—GOVERNMENT RESIDENCES.****Division XXVI.—Allotment of Residences.**

[Rules made by the Governor General in Council under Fundamental Rule 45.]

**S. R. 311.** When a building owned or leased by Government or a portion thereof has been made available by the Government for use as a residence by an officer under its administrative control, the competent authority may allot such building or part of a building to a post specified in the order of allotment for use as a residence by the incumbent of the post.

**S. R. 312. (1)** The incumbent of a post to which a residence has been allotted under rule 311 shall be considered to be in occupation of the residence during the period of his incumbency unless the allotment is changed or suspended under these rules.

**(2)** An officer shall not be considered to be in occupation of a residence only by reason of the fact that he shares it with an officer who is in occupation thereof.

**(3)** An officer shall be considered to be in occupation of his residence when absent on tour or at a hill station where he is permitted, but not required, by Government to reside.

**(4)** An officer shall not be considered to be in occupation of a residence when he proceeds on leave, unless the competent authority otherwise directs.

**S. R. 313. (1)** The competent authority may suspend the allotment of a residence to a post :—

- (a)** which is temporarily held by an officer under Fundamental Rule 49 in addition to another post, if the officer does not actually occupy the residence ;
- (b)** the incumbent of which discharges the duties of another post, if such duties prevent him from occupying the residence ;
- (c)** to which an officer has been transferred from another post in the same station, if the officer is in occupation of a residence allotted to such other post and the competent authority does not consider it necessary that he should change his residence ;
- (d)** the incumbent of which habitually lives in the orthodox Indian style, if the residence has been built in the European style ;
- (e)** the incumbent of which habitually lives in the European style, if the residence has been built in the orthodox Indian style ; or
- (f)** in which an officer is officiating for a period not exceeding two months, if the officer is prevented from actually occupying the residence by circumstances which, in the opinion

of the competent authority, justify the suspension of the allotment.

(2) No allotment shall be suspended otherwise than in accordance with sub-rule (1) save by order of the Governor General in Council.

(3) An order of suspension under this rule shall terminate on the next change of incumbents or when the circumstances justifying the suspension cease to exist, whichever is earlier.

(4) When the allotment of a residence to a post has been suspended under this rule, the competent authority may allot the residence to any officer of Government or, if it is not required by any such officer, to any suitable person :

Provided that the allotment to such officer or person shall terminate not later than the date upon which the period of suspension terminates.

**S. R. 314.** An officer in occupation of a residence may sublet it, subject to the following conditions, namely :—

- (a) the lessee shall be approved by the competent authority;
- (b) the sub-tenancy shall not be recognised by Government;
- (c) the lessor shall remain personally responsible for the rent and for any damage caused to the residence beyond fair wear and tear;
- (d) the sub-tenancy shall terminate not later than the date on which lessor ceases to hold the post to which the residence has been allotted; and
- (e) the rent payable by the lessee shall not, except with the previous sanction of the competent authority, exceed the rent payable to Government by the lessor.

**S. R. 315.** Officers holding posts to which residences have been allotted may exchange residences with the permission of the authority which made the allotment. Such exchange shall not be recognized by Government. Each officer shall remain responsible for the rent of the residence allotted to the post held by him.

**S. R. 316.** The competent authority may permit an officer during temporary absence from his station to store his furniture and other property at his own risk, free of rent, in the residence occupied by him prior to such absence, unless :—

- (a) the officer, if any, who discharges the duties of the absent officer is responsible for payment of the rent of the residence, or
- (b) arrangements are made to let the residence during such temporary absence.

**S. R. 317. (1)** Rules 311 to 316, both inclusive, shall be deemed to have come into force on the 1st April 1924.

**(2)** Rules 311 to 316, both inclusive, shall not apply to any class of residence in respect of which rules, other than rules 311 to 316, made

by the Governor General in Council under Fundamental Rule 45, are in force.

## DIVISION XXVIA.

### **Allotment of Residences in Simla to officers whose emoluments are Rs. 600 or more per mensem.**

[Rules made by the Governor General in Council under Fundamental Rule 45.]

**S. R. 317A. (1)** The rules in this Division apply to residences made available in Simla by the Governor General in Council for officers who are required to reside on duty with the Government of India in Simla, and whose emoluments are Rs. 600 or more per mensem :

Provided that the said rules shall not apply to the residences or classes of residences specified in the Schedule to this Division.

**(2)** The Governor General in Council may remove or add any residence or class of residence from or to the said Schedule.

**S. R. 317B.** In the rules in this Division, unless there is anything repugnant in the subject or context—

(1) “ emoluments ” means emoluments as defined in Fundamental Rule 45C, and—

(a) in the case of an officer serving with the Government of India—

(i) if he is on duty, shall be the emoluments drawn by him in the post which he holds substantively with the Government of India, or, if he holds no such post substantively, the emoluments actually drawn by him ;

(ii) if he is on leave, shall be deemed to be emoluments, as defined in sub-clause (i), at the rate applicable to him immediately before he proceeded on leave ;

(b) in the case of an officer who is not serving with the Government of India, whether on duty or on leave, shall be deemed to be emoluments, as defined in sub-clause (i) of clause (a), at the rate which will be applicable to him immediately after he joins his appointment with the Government of India ;

(2) “ Estate Officer ” means the Estate Officer, New Delhi, and includes the Superintending Engineer ;

(3) “ Migratory officer ” means an officer who is required to move to Delhi with the headquarters of the Government of India ;

- (4) "Season of the same class" means, with reference to the summer season, the summer season, and, with reference to the winter season, the winter season;
- (5) Seniority shall be determined by the amount of emoluments, or where emoluments are equal, by the period for which those emoluments have been drawn in the post held by the drawer at the time of application under rule 317D;
- (6) "Summer Season" means the period from the 1st April to the 31st October; and
- (7) "Winter Season" means the period from the 1st November to the 15th March.

**S. R. 317C. (1)** The Governor General in Council shall divide residences into the following classes for officers whose emoluments were, on the last date for application provided in rule 31D,—

- (a) Rs. 4,000 and over, Class A;
- (b) Rs. 2,800 and over, but under Rs. 4,000, Class B;
- (c) Rs. 2,500 and over, but under Rs. 2,800, Class C;
- (d) Rs. 1,900 and over, but under Rs. 2,500, Class D;
- (e) Rs. 1,300 and over, but under Rs. 1,900, Class E;
- (f) Under Rs. 1,300, Class F.

**(2)** The classification of residences may, from time to time, be changed by the Governor General in Council:

Provided that an officer—

- (a) to whom a residence is allotted at the time when its classification is changed, or
- (b) who, but for a change in the classification of a residence, would, in respect of the residence, be comprised in category "Firstly" in sub-rule (1) of rule 317E,

and who, but for such change, would be eligible for the residence under sub-rule (1) of this rule, shall not, solely by reason of such change, be rendered ineligible therefor.

**S. R. 317D. (1)** Residences shall be allotted for each summer and winter season by the Estate Officer.

**(2)** Application for allotment of residences shall be made in such form as the Estate Officer may, from time to time, require, to the Estate Officer so as to reach his office not later than the date mentioned in sub-rule (4).

**(3)** Applications shall be countersigned by the head of the office of the applicant, and, in the case of an applicant serving in an attached office, shall be forwarded through the Secretary to the Government of India in the department to which the office is attached. Heads of Offices and Secretaries shall not countersign or forward applications unless they are satisfied—

- (a) that the applicant is likely to be on duty in Simla for the greater part of the season concerned, or, if the applicant is

likely to be on leave during the season concerned, for the greater part of the next season of the same class after his return from leave: and

**No. 32.**

*Page 289, S. R. 317-D—*

*Substitute* the word “ **August** ” for the word “ **September** ” in sub-rule (4) of this rule.

[G. I., F. D., Correction No. 168 (S. R.), dated 9th December 1930.]

(No. 32, dated the 25th April 1931.)

**Firstly.**—to the officer to whom the residence was allotted for the summer season previous to the season to which the application relates if he was eligible for the residence under rule 317C on the last date for application provided in rule 317D :

Provided that an officer whose allotment for the previous summer season—

(a) was cancelled, or

(b) commenced after the 1st June in that season,

shall not be eligible under this category;

**Secondly.**—to officers in order of seniority who were eligible for the residence under rule 317C on the last date for application provided in rule 317D, who applied for a residence of the same class in accordance with rule 317D for the summer season previous to the season to which the application relates and to whom—

(a) a residence of a class other than the class to which they were entitled was then allotted, or

(b) no residence was then allotted;

**Thirdly.**—to officers in order of seniority who were eligible for the residence under rule 317C on the last date for application provided in rule 317D :

Provided that within this category priority shall be given to officers actually serving with the Government of India, at the time of application, over officers not so serving;

**Fourthly.**—to the officer to whom the residence was allotted for the summer season previous to the season to which the application relates if he was not eligible for the residence under rule 317C on the last date for application provided in rule 317D ;

**Fifthly.**—to officers in order of seniority who were not eligible for the residence under rule 317C on the last date for application provided in rule 317D, in the following priority—

(i) Officers eligible on that date for a residence in the class next above;

(ii) officers eligible on that date for a residence in the class next below;

- (iii) officers eligible on that date for a residence in the class next above but one;
- (iv) officers eligible on that date for a residence in the class next below but one;
- (v) officers eligible on that date for a residence in the class next above but two;
- (vi) officers eligible on that date for a residence in the class next below but two;
- (vii) officers eligible on that date for a residence in the class next above but three;
- (viii) officers eligible on that date for a residence in the class next below but three;
- (ix) officers eligible on that date for a residence in the class next above but four;
- (x) officers eligible on that date for a residence in the class next below but four.

(2) When allotting residences, the Estate Officer shall, so far as may be, have regard to any preferences expressed by applicants.

(3) If an applicant accepts an offer of a residence by the Estate Officer—

- (a) by a written acceptance, or
- (b) otherwise than by a written acceptance, and the acceptance is confirmed by a letter from the Estate Officer to the applicant,

the residence shall be deemed to have been allotted to the applicant for the season concerned.

(4) If it appears from any preferences expressed by an applicant, or from his application, that he is prepared to accept the offer of a residence, the Estate Officer may, without reference to the applicant, allot that residence to him.

**S. R. 317F.** (1) The Estate Officer shall prepare a waiting-list of officers who—

- (a) have applied within the last date of application provided in rule 317D, and to whom no residence has been allotted;
- (b) apply for residences after the last date of application provided in rule 317D.

(2) The Estate Officer shall allot any residences which have not been allotted under rule 317E or the allotment of which has been cancelled under rule 317M to officers on the waiting-list, so far as may be in the manner provided in rule 317E, and thereupon the provisions of sub-rules (3) and (4) of rule 317E shall apply :

Provided that, in allotting residences, the Estate Officer shall give priority to all the officers mentioned in clause (a) of sub-rule (1) over any officers mentioned in clause (b) of that sub-rule.

**S. R. 317C. (1)** Subject to the provisions of rule 317F and sub-rule (2) of rule 317K, if any residence is unallotted, in the case of the summer season after the 15th March, or in the case of the winter season, after the 15th October, the Estate Officer may permit the residence to be occupied, on payment of rent, by any officer of Government, or, if it is not required by any such officer, by any person whom he considers suitable.

**(2)** An allotment under this rule shall not confer any claim to allotment subsequent to the season concerned.

**S. R. 317H. (1)** The officer to whom a residence has been allotted shall be considered to be in occupation thereof during the period for which it is allotted to him.

**(2)** No officer shall be considered to be in occupation of a residence solely by reason of the fact that he shares it with the officer or person to whom it has been allotted.

**S. R. 317-I.** The officer to whom a residence has been allotted may sublet it during the period for which it has been allotted to him to any officer eligible therefor under sub-rule (1) of rule 317C who is on the Estate Officer's waiting-list or, if no such officer requires it, to any person subject to the following conditions :—

- (a) if the sub-lease is during the absence of the lessor from Simla the sub-lease and the lessee shall be approved by the Superintending Engineer;
- (b) if the sub-lease is not during the absence of the lessor from Simla, the sub-lease and the lessee shall be approved by the Governor General in Council;
- (c) the sub-lease shall not be recognised by Government;
- (d) the lessor shall remain personally responsible for any rent payable in respect of the residence and for any damage caused to the residence, premises or services provided by Government beyond fair wear and tear;
- (e) the rent payable by the sub-lessor in respect of the residence or services provided by Government shall not, except with the previous sanction of the Superintending Engineer, exceed the rent payable in such respects to Government by the lessor.

**S. R. 317J.** Officers to whom residences have been allotted may, with the approval of the Superintending Engineer, exchange residences :

Provided that :

- (a) the exchange shall not be recognised by Government;
- (b) each officer shall remain personally responsible for the rent of the residence which has been allotted to him.

**S. R. 317K. (1)** The officer to whom a residence has been allotted shall be personally responsible for the rent thereof and for any damage, beyond fair wear and tear, caused thereto or to the premises or services



provided therein by Government during the period for which the residence has been and remains allotted to him.

(2) A migratory officer shall be entitled, if he pays the rent of the residence allotted to him during the period for which it has been allotted, to occupy the residence without payment of extra rent—

- (a) If he has been allotted the residence from the beginning of the summer season—from the day after the earliest date on which he is permitted to leave his duty in Delhi.
- (b) If the residence remains allotted to him up to the end of the summer season up to the day before the latest date on which he is permitted to arrive for duty in Delhi :

Provided that no officer shall be entitled to occupy the residence free of rent for any period in respect of which he is not paying rent to Government for another residence.

**S. R. 317L.** If a residence which has been allotted for the winter season to an officer other than a migratory officer is allotted to that officer for the subsequent summer season, he shall be entitled to occupy the residence for the period intervening between the winter and summer seasons and shall be personally responsible for the rent of the residence during such intervening period.

**S. R. 317M.** (1) The officer to whom a residence has been allotted shall, if he is under orders of transfer from Simla or, having been granted leave on medical certificate, proposes to leave Simla, forthwith intimate the fact to the Estate Officer.

(2) If the officer to whom a residence has been allotted—

- (a) is transferred from Simla, or
- (b) leave Simla on leave on medical certificate,

the allotment to him of the residence shall, if he so requests, be cancelled with effect from the sixteenth day after the date on which his intimation of his transfer or of his intended departure, as the case may be, reaches the office of the Estate Officer, or from the date on which the residence is allotted to another officer or person, whichever is earlier.

(3) If the officer to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated, whichever is earlier.

(4) The officer to whom a residence has been allotted shall not, if the allotment is cancelled, continue to occupy the residence after such cancellation save with the permission of the Superintending Engineer; and, if such permission is granted, the officer shall be personally responsible for the rent of the residence during such continued occupation.

**S. R. 317N.** The officer to whom a residence has been allotted shall, before vacating the residence, give not less than eight days' notice in writing to the Estate Officer.

**S.R.317-O. (1)** At the request of the officer to whom a residence has been allotted furniture on a scale to be approved by the Governor General in Council may be provided in the residence by Government.

(NOTE.—The rent for furniture is fixed under S. R. 325.)

**(2)** The officer to whom a residence has been allotted shall be required, when he enters into occupation of, and when he vacates, the residence, to sign an inventory of the furniture and fittings.

**S. R. 317P.** The officer to whom a residence has been allotted shall maintain the residence and premises in a cleanly condition to the satisfaction of the Simla Municipality (which is responsible only for the final disposal of rubbish and night soil), the Health Officer, Simla, and the Executive Engineer.

**S. R. 317Q. (1)** The officer to whom a residence has been allotted shall not permit trees or shrubs on the premises to be cut down or lopped, save with the consent of the Executive Engineer.

**(2)** The officer to whom a residence has been allotted shall comply with any orders of the Government of India for the time being in force in respect of the garden attached thereto.

**S. R. 317R.** The officer who is in occupation of a residence at the end of the summer season may, with the permission of the Superintending Engineer, store at his own risk, free of rent, his furniture and other property in the residence during the following winter season :

Provided that, if the residence is allotted to any other officer or person for the whole or part of that winter season, the officer shall, if so requested by the Superintending Engineer, remove his furniture and property.

**S. R. 317S.** If the officer to whom a residence has been allotted, commits any breach, of the rules in this Division, or uses the residence or premises, or permits the residence or premises to be used, for any purpose which the Governor General in Council considers to be improper, the Governor General in Council may—

- (a) require him to vacate the residence and may allot it to another officer or person; but the officer so required to vacate the residence shall continue to be personally responsible for the rent thereof as provided in sub-rule (1) of rule 317K save in respect of any period for which it is allotted to another officer or person, and
- (b) declare him to be ineligible for a residence during any stated period, and no residence shall be allotted to him during such period.

**S. R. 317T.** If any question arises as to the interpretation of the rules in this Division, it shall be referred for the decision of the Governor General in Council.

**S. R. 317U.** The Governor General in Council may, for reasons to be recorded in writing, relax all or any of the provisions of the rules

in this Division in the case of any officer or residence or class of officers or residences.

**S. R. 317V.** The rules in this Division shall come into force on the 1st September 1930.

*The Schedule.*

(See rule 317A.)

- (1) Viceregal Lodge and its staff quarters.
- (2) The residence of the Commander-in-Chief and its staff quar-

**No. 34.**

*Page 244. Division XXVI-A—*

*Insert the following after item (3) in the Schedule appended to this Division :—*

“(5a) The residence of the Assistant Secretary to the Government of India in the Foreign and Political Department.”

[G. L. F. D. Circular No. 109 S. R., dated 9th December 1930.]

[No. 34. dated the 25th April 1931.]

~~**DIVISION XXVII.—RULES OF GOVERNMENT RESIDENCES.**~~

*Rule made by the Governor General in Council under Fundamental Rule 45-A.]*

**S. R. 318.** For the purposes of clause II of Fundamental Rule 45A, the present value of a residence and of the site on which it stands shall be estimated by a Public Works Officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority. The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

**S. R. 319.** For the purposes of clause II of Fundamental Rule 45A, expenditure incurred on such works as :—

- (a) raising, levelling and dressing sites;
- (b) construction of revetments, retaining walls, compound walls, fences, and gates;
- (c) storm water drainage; and
- (d) approach roads and paths within the compound;

shall be regarded as expenditure upon the preparation of a site.

**S. R. 320.** For the purposes of proviso (vi) to clause II of Fundamental Rule 45A, the following shall be regarded as fittings, namely :—

*Electric Fittings.*

- (a) Lamps of all kinds (excluding bulbs);
- (b) Fans, including switches and regulators; and
- (c) Meters, the hire of which is not charged separately.



residence shall be cancelled with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated, whichever is earlier.

(4) The officer to whom a residence has been allotted shall not, if the allotment is cancelled, continue to occupy the residence after such cancellation save with the permission of the Superintending Engineer; and, if such permission is granted, the officer shall be personally responsible for the rent of the residence during such continued occupation.

**S. R. 317-N-1.** The officer to whom a residence has been allotted shall, before vacating the residence, give not less than eight days' notice in writing to the Estate Officer.

**S. R. 317-O-1. (1)** At the request of the officer to whom a residence has been allotted furniture on a scale to be approved by the Governor General in Council may be provided in the residence by Government.

(NOTE.—The rent for furniture is fixed under S. R. 325.)

(2) The officer to whom a residence has been allotted shall be required, when he enters into occupation of, and when he vacates, the residence, to sign an inventory of the furniture and fittings.

**S. R. 317-P-1.** The officer to whom a residence has been allotted shall maintain the residence and premises in a cleanly condition to the satisfaction of the New Delhi Municipality (which is responsible only for the final disposal of rubbish and night soil), the Health Officer, New Delhi, and the Superintending Engineer.

**S. R. 317-Q-1. (1)** The officer to whom a residence has been allotted shall not permit trees or shrubs on the premises to be cut down or lopped, save with the consent of the Superintendent, Horticultural Operations, New Delhi.

(2) The officer to whom a residence has been allotted shall comply with any orders of the Government of India for the time being in force in respect of the garden attached thereto.

**S. R. 317-R-1.** The officer who is in occupation of a residence at the end of the winter season may, with the permission of the Superintending Engineer, store at his own risk, free of rent, his furniture and other property in the residence during the following summer season :

Provided that, if the residence is allotted to any other officer or person for the whole or part of that summer season, the officer shall, if so requested by the Superintending Engineer, remove his furniture and property.

**S. R. 317-S-1.** If the officer to whom a residence has been allotted commits any breach of the rules in this Division, or uses the residence or premises, or permits the residence or premises to be used, for any purpose which the Governor General in Council considers to be improper, the Governor General in Council may—



**S. R. 317-J-I.** Officers to whom residences have been allotted may, with the approval of the Superintending Engineer, exchange residences.

Provided that :—

- (a) the exchange shall not be recognised by Government;
- (b) each officer shall remain personally responsible for the rent of the residence which has been allotted to him.

**S. R. 317-K-I. (1)** The officer to whom a residence has been allotted shall be personally responsible for the rent thereof and for any damage, beyond fair wear and tear, caused thereto or to the premises or services provided therein by Government during the period for which the residence has been and remains allotted to him.

**(2)** A migratory officer shall be entitled, if he pays the rent of the residence allotted to him during the period for which it has been allotted, to occupy the residence without payment of extra rent—

- (a) if he has been allotted the residence from the beginning of the winter season—from the day after the earliest date on which he is permitted to leave his duty in Simla;
- (b) if the residence remains allotted to him up to the end of the winter season—up to the day before the latest date on which he is permitted to arrive for duty in Simla :

Provided that no officer shall be entitled to occupy the residence free of rent for any period in respect of which he is not paying rent to Government for another residence.

**S. R. 317-L-I.** If a residence which has been allotted for the summer season to an officer other than a migratory officer is allotted to that officer for the subsequent winter season, he shall be entitled to occupy the residence for the period intervening between the summer and winter seasons and shall be personally responsible for the rent of the residence during such intervening period.

**S. R. 317-M-I. (1)** The officer to whom a residence has been allotted shall, if he is under orders of transfer from Delhi or, having been granted leave on medical certificate, proposes to leave Delhi, forthwith intimate the fact to the Estate Officer.

**(2)** If the officer to whom a residence has been allotted—

- (a) is transferred from Delhi, or
- (b) leaves Delhi on leave on medical certificate,

the allotment to him of the residence shall, if he so requests, be cancelled with effect from the sixteenth day after the date on which his intimation of his transfer or of his intended departure, as the case may be, reaches the office of the Estate Officer, or from the date on which the residence is allotted to another officer or person, whichever is earlier.

**(3)** If the officer to whom a residence is allotted dies, is dismissed





- (b) apply for residences after the last date of application provided in rule 317-D-I.

(2) The Estate Officer shall allot any residences which have not been allotted under rule 317-E-I or the allotment of which has been cancelled under rule 317-M-I to officers on the waiting list, so far as may be in the manner provided in rule 317-E-I, and thereupon the provisions of sub-rules (3) and (4), of rule 317-E-I, shall apply :

Provided that, in allotting residences, the Estate Officer shall give priority to all the officers mentioned in clause (a) of sub-rule (1) over any officer mentioned in clause (b) of that sub-rule.

**S. R. 317-G-I. (1)** Subject to the provisions of rule 317-F-I and sub-rule (2) of rule 317-K-I, if any residence is unallotted in the case of the summer season after the 1st April, or in the case of the winter season, after the 1st October, the Estate Officer may permit the residence to be occupied, on payment of rent, by any officer of Government, or, if it is not required by any such officer, by any person whom he considers suitable.

(2) An allotment under this rule shall not confer any claim to allotment subsequent to the season concerned.

**S. R. 317-H-I. (1)** The officer to whom a residence has been allotted shall be considered to be in occupation thereof during the period for which it is allotted.

(2) No officer shall be considered to be in occupation of a residence solely by reason of the fact that he shares it with the officer or person to whom it has been allotted.

**S. R. 317-I-I.** The officer to whom a residence has been allotted may sublet it during the period for which it has been allotted to him to any officer eligible therefor under sub-rule (1) of rule 317-G-I, who is on the Estate Officer's waiting list or, if no such officer requires it, to any person subject to the following conditions :—

- (a) if the sub-lease is during the absence of the lessor from Delhi the sub-lease and the lessee shall be approved by the Superintending Engineer;
- (b) if the sub-lease is not during the absence of the lessor from Delhi, the sub-lease and the lessee shall be approved by the Governor General in Council;
- (c) the sub-lease shall not be recognised by Government;
- (d) the lessor shall remain personally responsible for any rent payable in respect of the residence and for any damage caused to the residence, premises or services provided by Government beyond fair wear and tear;
- (e) the rent payable in respect of the residence or services provided by Government shall not, except with the previous



Provided that within this category priority shall be given to officers actually serving with the Government of India or the Local Government of Delhi, as the case may be, at the time of application, over officers not so serving;

*Fourthly.*—to the officer to whom the residence was allotted for the winter season previous to the season to which the application relates if he was not eligible for the residence under rule 317-C-I on the last date for application provided in rule 317-D-I;

*Fifthly.*—to officers in order of seniority who were not eligible for the residence under rule 317-C-I on the last date for application provided in rule 317-D-I, in the following priority—

- (i) officers eligible on that date for a residence in the class next above;
- (ii) officers eligible on that date for a residence in the class next below;
- (iii) officers eligible on that date for a residence in the class next above but one;
- (iv) officers eligible on that date for a residence in the class next below but one;
- (v) officers eligible on that date for a residence in the class next above but two;
- (vi) officers eligible on that date for a residence in the class next below but two;
- (vii) officers eligible on that date for a residence in the class next above but three;
- (viii) officers eligible on that date for a residence in the class next below but three.

(2) When allotting residences, the Estate Officer shall, so far as may be, have regard to any preferences expressed by applicants.

(3) If an applicant accepts an offer of a residence by the Estate Officer—

- (a) by a written acceptance, or
- (b) otherwise than by a written acceptance, and the acceptance is confirmed by a letter from the Estate Officer to the applicant

the residence shall be deemed to have been allotted to the applicant for the season concerned.

(4) If it appears from any preferences expressed by an applicant, or from his application that he is prepared to accept the offer of a residence, the Estate Officer may without reference to the applicant, allot that residence to him.

**S. R. 317-F-I.** (1) The Estate Officer shall prepare a waiting list of officers who—

- (a) have applied within the last date of application provided in rule 317-D-I, and to whom no residence has been allotted;



**S. R. 317-D-I. (1)** Residences shall be allotted for each summer and winter season by the Estate Officer.

(2) Application for allotment of residences shall be made in such form as the Estate Officer may, from time to time, require, to the Estate Officer so as to reach his office not later than the date mentioned in sub-rule (4).

(3) Applications shall be countersigned by the head of the office of the applicant, and, in the case of an applicant serving in an attached office, shall be forwarded through the Secretary to the Government of India in the department to which the office is attached. Heads of Offices and Secretaries shall not countersign or forward applications unless they are satisfied—

- (a) that the applicant is likely to be on duty in New Delhi for the greater part of the season concerned, or, if the applicant is likely to be on leave during the season concerned, for the greater part of the next season of the same class after his return from leave; and
- (b) that the facts stated in the application are substantially correct.

(4) No officer shall be deemed to have applied for the allotment to him of a residence if his application is received in the office of the Estate Officer after the 1st February next before the season concerned.

**S. R. 317-E-I. (1)** The Estate Officer shall, as soon as may be after the last date for application provided in rule 317-D-I, allot residences to officers who have applied not later than that date, in the following order and according to the following principles—

*Firstly.*—to the officer to whom the residence was allotted for the winter season previous to the season to which the application relates if he was eligible for the residence under rule 317-C-I on the last date for application provided in rule 317-D-I :

Provided that an officer whose allotment for the previous winter season—

- (a) was cancelled, or
- (b) commenced after the 1st January in that season

shall not be eligible under this category ;

*Secondly.*—to officers in order of seniority who were eligible for the residence under rule 317-C-I on the last date for application provided in rule 317-D-I, who applied for a residence of the same class in accordance with rule 317-D-I for the winter season previous to the season to which the application relates and to whom—

- (a) a residence of a class other than the class to which they were entitled was then allotted, or
- (b) no residence was then allotted ;

*Thirdly.*—to officers in order of seniority who were eligible for the residence under rule 317-C-I on the last date for application provided



Insert the following as Division XXVI-B in this part:—

### DIVISION XXVI-B.

**Allotment of residences in New Delhi to officers whose maximum emoluments are Rs. 600 or more per mensem.**

(Rules made by the Governor General in Council under Fundamental Rule 45.)

**“ S. R. 317-A-1. (1)** The rules in this Division apply to residences made available in new Delhi by the Governor General in Council for officers who are required to reside on duty with the Government of India or with the Local Government of Delhi in New Delhi, and whose—

- (a) emoluments are Rs. 600 or more per mensem, or
- (b) pay is on a scale of which the maximum is Rs. 600 or more per mensem :

Provided that the said rules shall not apply to the residences or classes of residences specified in the Schedule to this Division.

**(2)** The Governor General in Council may remove or add any residence or class of residence from or to the said schedule.

**S. R. 317-B-1.** In the rules in this Division, unless there is anything repugnant in the subject or context—

- (1) “ Delhi ” means Old Delhi together with New Delhi;
- (2) “ emoluments ” means emoluments as defined in Fundamental Rule 45-C, and—

(a) in the case of an officer serving with the Government of India or the Local Government of Delhi—

- (i) If he is on duty, shall be the emoluments drawn by him in the post which he holds substantively with the Government of India or the Local Government of Delhi, as the case may be, or, if he holds no such post substantively, the emoluments actually drawn by him;

*Sanitary and Water Supply Fittings.*

- (a) Apparatus for hot water supply;
- (b) Baths, basins and lavatory equipment; and
- (c) Meters, the hire of which is not charged separately.

**S. R. 321.** In the calculation of the standard rent of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45A, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be :—

- (a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes, if any, payable under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and
- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government, *plus* interest calculated at the rate fixed by the Secretary of State in Council under sub-clause (b) (i) of clause III of Fundamental Rule 45A—
  - (i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or
  - (ii) if part of such charges is to be reimbursed by the lessor, on half the sum of such charges and the amount to be reimbursed.

*Secretary of State's Rules.*—See entry below F. R. 45A.

**S. R. 322. (1)** In the calculation under sub-clause (b) of clause III of Fundamental Rule 45A of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs shall be—

- (a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including sanitary, water-supply and electric installations and fittings) *plus* the amount of the rates or taxes, if any, payable under any law or custom by the owner to a municipality or other local body; or
- (b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45A as the capital cost of the residence, to be fixed by the competent



authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1) :—

- (a) "probable cost" shall include all charges which may reasonably be expected to be incurred;
- (b) "ordinary repairs" shall include repairs executed annually or periodically, but shall not include special repairs;
- (c) "special repairs" shall include renewal of floors and roofs and other replacements recurring at long intervals; and
- (d) the cost of probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.

*Director General's Instructions.*—The procedure adopted by the local Public Works Department authorities for calculating the percentages on account of taxes and special and ordinary repairs which are to be added to the capital cost of residential buildings should be generally followed by the Indian Posts and Telegraphs Department.

[D. G. P. T.'s letter No. 140-AP.-BS./27/Misc., dated 4th June 1929.]

**S. R. 323.** When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions, namely :—

- (a) the total cost of such additions and alterations shall not exceed 5 per cent. of the capital cost on which the standard rent was last calculated, and
- (b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

**S. R. 324. (1)** When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent. the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of rent, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculation.

**S. R. 325. (1)** If a residence is supplied with services other than water supply, sanitary or electric installations and fittings, such as

furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the Governor General in Council under clause VI of Fundamental Rule 45A, are in force) the rent to be charged for such services in addition to, and during the same period as, the rent payable under clause IV of Fundamental Rule 45A, shall be determined by the competent authority subject to the following provisions, namely :—

- (a) the rent shall, in the case of furniture, be calculated for durable and non-durable articles separately;
- (b) the rent shall be expressed as a monthly rent and shall be one-twelfth of the amount annually required for the payment of :—
  - (i) interest at a rate to be fixed from time to time by the Governor General in Council in this behalf on the capital cost of such services;
  - (ii) in the case of furniture, depreciation and repairs; and
  - (iii) in the case of such services, other than furniture, maintenance charges; and
- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

(2) The Governor General in Council may, in special circumstances, by order remit or reduce the additional rent referred to in sub-rule (1) for reasons which should be recorded in the order.

*Government of India's decision.*—The Governor General in Council has decided that the same rate of interest which is applied for purposes of Fundamental Rules 45A-III and 45B-III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45A and 45B.

[G. I. F. D. No. F-3-XLVII-R. I./29, dated the 19th February 1930.]

**S. R. 326.** Fundamental Rule 45A shall be deemed to have applied, with effect from the 1st April 1924, to all Government servants not mentioned in the said rule to whom the rules governing the allotment and conditions of occupation of Government residences and quarters in Delhi and Simla applied, and, with effect from the 1st April 1929, shall apply to all Government servants, other than those occupying residences belonging to a State Railway or rented at the cost of Railway revenues, who fulfil the conditions set forth in rule 1 of these rules.

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## Division XXVIII.—Rent of Government Residences— contd.

[Rules made by the Governor General in Council under Fundamental Rule 45-B.]

**S. R. 327.** For the purposes of clause II of Fundamental Rule 45B, the present value of a residence and of the site on which it stands shall

be estimated by a Public Works Officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority. The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

**S. R. 328.** For the purposes of clause II of Fundamental Rule 45B, expenditure incurred on such works as :—

- (a) raising, levelling and dressing sites ;
- (b) construction of revetments, retaining walls, compound walls, fences and gates ;
- (c) storm water drainage ; and
- (d) approach roads and paths within the compound ;

shall be regarded as expenditure upon the preparation of a site.

**S. R. 329.** For the purposes of proviso (vi) to clause II of Fundamental Rule 45B, the following shall be regarded as fittings, namely :—

*Electric Fittings.*

- (a) Lamps of all kinds (excluding bulbs) ;
- (b) Fans, including switches and regulators ; and
- (c) Meters, the hire of which is not charged separately.

*Sanitary and Water Supply Fittings.*

- (a) Apparatus for hot water supply ;
- (b) Baths, basins and lavatory equipment ; and
- (c) Meters, the hire of which is not charged separately.

**S. R. 330.** In the calculation of the standard rent of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45B, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be—

- (a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes, if any, payable under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and
- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government, *plus* interest calculated at the rate fixed by the Secretary of State in

Council under sub-clause (b) of clause III of Fundamental Rule 45B—

- (i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or
- (ii) if part of such charges is to be reimbursed by the lessor on the expiry of the lease, on half the sum of such charges and the amount to be reimbursed.

**S. R. 331.** (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45B of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government, and for both ordinary and special maintenance and repairs shall be—

- (a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence *plus* the amount of the rates or taxes, if any, payable under any law or custom by the owner to a municipality or other local body; or
- (b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45B as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1)—

- (a) “probable cost” shall include all charges which may reasonably be expected to be incurred;
- (b) “ordinary repairs” shall include repairs executed annually or periodically, but shall not include special repairs;
- (c) “special repairs” shall include renewal of floors and roofs and other replacements recurring at long intervals; and
- (d) the cost of probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.

**S. R. 332.** When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions, namely :—

- (a) the total cost of such additions and alterations shall not exceed 5 per cent. of the capital cost on which the standard rent was last calculated, and

- (b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

**S. R. 333. (1)** When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent. the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of rent, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculation.

**S. R. 334. (1)** If a residence is supplied with services such as water-supply, sanitary or electric installations and fittings, furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the Governor General in Council under clause VI of Fundamental Rule 45B, are in force) the rent to be charged for such services in addition to, and during the same period as, the rent payable under clause IV of Fundamental Rule 45B shall be determined by the competent authority subject to the following provisions, namely :—

- (a) the rent shall, in the case of furniture, be calculated for durable and non-durable articles separately;
- (b) the rent shall be expressed as a monthly rent and shall be one-twelfth of the amount annually required for the payment of :—
  - (i) interest at a rate to be fixed from time to time by the Governor General in Council in this behalf on the capital cost of such services;
  - (ii) in the case of such services other than tennis court and garden, depreciation and repairs; and
  - (iii) in the case of tennis court and garden, maintenance charges; and
- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

(2) The Governor General in Council may, in special circumstances, by order remit or reduce the additional rent referred to in sub-rule (1) for reasons which should be recorded in the order.

*Government of India's decision.*—The Governor General in Council has decided that the same rate of interest which is applied for purposes of Fundamental Rules 45A-III and 45B-III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45A and 45B.

[G. I. F. D. No. F-3-XLVII-R. I./29, dated the 19th February 1930.]

**S. R. 335.** Rules 327 to 334, both inclusive, shall be deemed to have come into force on the 3rd August 1927.

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APPENDICES.

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## APPENDIX No. 1.

**\*Memorandum explanatory of each rule in the Fundamental Rules.**

## CHAPTER I.

*Rule 1.*—The date on which the rules shall come into force has been fixed as 1st January 1922, in order to give local Governments and the Government of India time to make the necessary supplementary rules.

*Rule 2.*—The fundamental rules have been made of universal applicability, but, in order to avoid the necessity of reproducing in the fundamental rules many special rules, such as the special rules for certain subordinate police services, which appear in Chapters XXXIV to XXXVII, local Governments have been given power to make rules replacing any of the fundamental rules, provided that the interests of existing members of services are protected and that the new rules so made give no concessions which are not covered either by the fundamental rules or by the latest version of the Civil Service Regulations. It has been deemed desirable to insert in this rule what practically amounts to a definition of the term "civil service of the Crown" which is used, but not defined, in section 96-B of the Act.

*Rule 3.*—This covers the principle underlying articles 1 (c) and 2 of the Civil Service Regulations.

*Rule 4.*—requires little explanation. The power of delegation to Chief Commissioners is necessary, in view of their exclusion from the definition of "local Government".

*Rule 5.*—This rule lays upon the side of the local Government concerned the duty of making rules for any particular service. The Secretary of State desires that His Excellency the Governor should exercise his authority to secure uniformity where this is desirable.

*Rule 6.*—This takes the place of the various provisions for delegation which are at present scattered throughout the Civil Service Regulations. The powers which local Governments will not be permitted to delegate are enumerated below:—

- (i) All rule-making powers.
- (ii) Power of delegation itself.
- (iii) Power of treating as duty certain periods of training, etc.
- (iv) Power of waiving, in the case of particular services, the condition that no enhanced pay should be drawn on account of an acting appointment unless change of duties is involved.
- (v) Power of granting compensatory allowances.
- (vi) Powers in connection with the rent of residences supplied to officers.
- (vii) Power of granting special disability leave.
- (viii) Power of remitting contributions in the case of foreign service.
- (ix) Power of sanctioning the acceptance, by a Government servant in foreign service, of a pension, or gratuity from his foreign employer.

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\*The explanatory remarks in this memorandum refer to Fundamental Rules as they stood on 1st January 1922 and have not been revised in the light of subsequent amendments to these Rules.



*Rule 7.*—This rule is obviously necessary and needs no explanation.

*Rule 8.*—This is the only part of article 4 of the Civil Service Regulations which it seems necessary to reproduce in the fundamental rules.

## CHAPTER II.

*Rule 9 (1).*—This definition calls for no comment.

*\*Rule 9 (2).*—“Average pay”, which replaces the old term “average salary”, is defined as the average of the last twelve months, instead of, as previously, the average of the past three years. The change is necessary by reason of the fact that all leave-salary in future will be calculated on the basis of average pay.

Privilege leave vanishes under the fundamental rules and is replaced by leave on average pay. If three years' average pay were retained as the basis of calculation, Government servants, and in particular those on a time-scale of pay, would lose very heavily during the first portion of each period of leave. With twelve months' average it has been calculated that they will gain while on “furlough” at least as much as they will lose while on “privilege leave”. The note under this rule is intended to obviate the necessity of reproducing in the fundamental rules the provisions of article 670.

*Rule 9 (3).*—The definition of “Barrister” is reproduced with slight changes from article 17 of the Civil Service Regulations.

*Rule 9 (4).*—The definition of “cadre” is new, having become necessary for the purposes of rules 18 to 15, 27 and 30, among others.

†*Rule 9 (5).*—The treatment given to allowances in the fundamental rules involves a considerable departure from the principles followed in the Civil Service Regulations. A number of classes of allowances have now been included in pay proper. Among these are acting allowances, personal allowances, duty allowances (which become “special pay”) and those local allowances which are given because of the unhealthiness of the locality in which an officer works. The balance of the local allowances has been included with travelling and certain other allowances in the new term “compensatory allowances” which is defined in this clause. Grain compensation allowance is an example of a minor class of compensatory allowance.

‡*Rule 9 (6).*—It has been found impossible to formulate a comprehensive definition of “duty”. The method adopted is to mention in clause (a) of the definition two varieties of service which will invariably count as duty, and to provide in clause (b) for all cases in which other periods of service may be allowed for special reasons so to count.

Sub-clause (i) of clause (a) is taken from articles 202 and 203.

Sub-clause (ii) from article 175.

Sub-clause (i) of clause (b) provides for the substance of article 68-A of the Civil Service Regulations.

Sub-clause (ii) similarly provides for the substance of article 52 (c).

Sub-clause (iii) is intended to take the place of examination leave.

\*The provisos to F. R. 9 (2) (as they stood on 1st January 1922) have since been amended.—*Vide* G. I. F. D. corrections No. 35 and 86, dated 5th July 1927, No. 44, dated 6th February 1928 and No. 46, dated 7th April 1928.

†F. R. 9 (5) (as it stood on 1st January 1922) has since been amended.—*Vide* G. I. F. D. correction No. 26, dated 18th September 1926.

‡F. R. 9 (6) (b) (as it stood on 1st January 1922) has since been amended.—*Vide* G. I. F. D. correction No. 60, dated 12th August 1929.

Sub-clause (iv) takes the place of a number of rules scattered through the Civil Service Regulations regarding the dates from which the services of officers recruited in England count for leave and pension. It is considered that the rule in this sub-clause, read with that in sub-clause (i), may suitably be made a general rule.

*Rule 9 (7)* is reproduced from article 27 of the Civil Service Regulations, with an addition designed to make it clear that, although the revenue and expenditure of company-owned State railways pass through the accounts of Government, service in such a railway is still foreign service.

*Rule 9 (8)*.—This is the definition of article 28 with the omission of the reference to Mysore. The orders applicable to that State are practically obsolete and will in any case apply to pension only.

\**Rule 9 (9)*.—The word "honorarium" was not defined in the Civil Service Regulations. It is desirable to include in the fundamental rules a definition which will make impossible that inconvenient hybrid a "recurring honorarium".

*Rule 9 (10)*.—The definition of "joining time" in the Civil Service Regulations is not in the definition chapter but in article 175. The definition in that article contains considerably more than is required in a definition. The new definition has accordingly been cut down to the minimum limits, and the other matter contained in article 175 has been transferred to Chapter XI which lays down the general rules regarding joining time.

*Rule 9 (11)*.—This definition has been inserted mainly for drafting purposes.

*Rule 9 (12)*.—The term leave-salary replaces the old term leave allowance. In the fundamental rules, the word "allowance" is used to denote an addition to pay and never a substitute for pay. A new term has, therefore, become necessary and a definition of it is required.

*Rule 9 (13)*.—A new and simple definition of "lien" has been included in this chapter and the various provisions governing the retention of a lien, which are at present scattered through the Civil Service Regulations, have been brought together in rules 12, 13, 14 and 15 of the fundamental rules.

*Rule 9 (14)*.—The definition of "local fund" is taken from article 83 of the Civil Service Regulations.

*Rule 9 (15)*.—It is not considered desirable to confer the full powers of local Governments on Chief Commissioners, who will, in effect, be spending the revenues of the central Government.

*Rule 9 (16)*.—These definitions have been taken from article 35 (b) and the note below it.

*Rule 9 (17)*.—This definition replaces that of article 36.

*Rule 9 (18)*.—This has been taken from article 18 and has been so reworded as to avoid definition by example.

*Rule 9 (19)*.—The definition of "officiate" is new. The second part of the rule is taken from article 86.

*Rule 9 (20)*.—This is a new definition which requires no comment.

*Rule 9 (21) (a)*.—Hitherto a distinction has been drawn in the Civil Service Regulations between "pay" and "salary"; the latter term including, in addition to pay proper all such allowances as were of the nature of pay. This distinction is abolished in the fundamental rules. The allowances in question have all been included in pay proper, and the term salary has ceased to exist.

The definition in this rule attempts to divide pay into two classes; that which is attached to a post or to a cadre, and that which is given to an officer on account of his personal qualifications or of other personal considerations.

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\*F. R. 9 (9) (as it stood on 1st January 1922) has since been amended.—*Vide* G. I. F. D. correction No. 61, dated 12th August 1929.

\*Rule 9 (21) (b) is extracted from article 40 (a).

Rule 9 (22).—This is a new definition which requires no comment.

†Rule 9 (23).—This also is a new definition. Personal allowance, which is now replaced by personal pay, is not defined in the Civil Service Regulations.

Rule 9 (24).—This replaces the definition of "pay of an appointment" which is given in the Civil Service Regulations. The word "post" has been substituted for "appointment", when used in this sense, throughout the fundamental rules. In the Civil Service Regulations the word "appointment" is used in two different senses. It is hoped that the adoption of the new term "presumptive pay of a post" will obviate the existing difficulty of realising whether the term "pay of an appointment" is, in any given case, used in its technical or non-technical sense.

Rule 9 (25).—The definition of "special pay" is new. Special pay takes the place of all duty allowances and of that class of local allowance which was granted on account of the unhealthiness of a locality. All duty allowances are now classed as pay. What may be called the personal duty allowance and the duty allowance which, as in the case of many Secretariat offices, was attached to a definite post, become special pay; while deputation (duty) allowance is absorbed in the pay of a temporary post.

Rule 9 (26).—This is reproduced from article 47.

Rule 9 (27).—This is a new definition. "Subsistence grant" has taken the place of "subsistence allowance", which was not defined anywhere in the Civil Service Regulations. This grant being given in place of, and not in addition to, pay, cannot be called an "allowance".

‡Rule 9 (28).—This is a new definition which calls for no comment.

Rule 9 (29).—This is a new definition of a recently introduced variety of pay.

It requires no comment.

Rule 9 (30).—This is the definition in article 76-A of the Civil Service Regulations, with the usual substitution of the word "post" for "appointment".

§Rule 9 (31).—A definition of time-scale pay has been devised, to include this variety of pay, as well as progressive pay, which is dealt with in article 43 of the Civil Service Regulations. The difference between a progressive rate of pay and a time-scale is a difference of degree only, and the fundamental rules use the term time-scale alone in this connection.

Rule 9 (32).—"Travelling allowance" has been defined for the purposes of fundamental rule 46, read with fundamental rule 9 (5), which gives full power in this connection to local Governments.

### CHAPTER III.

Rule 10.—This rule contains the provisions of articles 49 and 50 of the Civil Service Regulations, so re-worded as to give full powers to local Governments in connection with medical certificates.

Rule 11.—This reproduces the provisions of article 71 (a) of the Civil Service Regulations. The substance of article 71 (b) has not been reproduced, as this clause of the article describes what are in reality privileges of local bodies, etc.

Rules 12, 13 and 14.—An endeavour has been made to collect in one place all the provisions bearing upon "lien", and so to word them as to

\*F. R. 9 (21) (b) (as it stood on 1st January 1922) has since been amended.—Vide G. I. F. D. correction No. 44, dated 6th February 1928.

†F. R. 9 (23) (as it stood on 1st January 1922) has since been amended.—Vide G. I. F. D. correction No. 70, dated 7th May 1930.

‡F. R. 9 (28) (as it stood on 1st January 1922) has since been amended.—Vide G. I. F. D. correction No. 70, dated 7th May 1930.

§F. R. 9 (31) (as it stood on 1st January 1922) has since been amended.—Vide G. I. F. D. correction No. 70, dated 7th May 1930.

bring out a new main principle. The purport of the rules on this subject is intended to be somewhat as follows:—

Every person substantively appointed to Government service must have his own substantive niche in the appropriate cadre. Two officers cannot share one such niche and no officer can claim more than one as a permanent measure. An individual officer may or may not at any given time be performing the duties of his own particular niche, but, if he is not performing them, he retains a lien on the niche and no one else can either hold it or hold a lien on it unless he is likely to be absent from it for so considerable a time that the local Government considers it desirable to suspend his lien and avoid a block of substantive promotion.

The following detailed comments on the three rules as now drafted seem desirable.

*Rule 12.*—This really introduces a new principle to take the place of that which underlies article 355, which is primarily a pension rule but which is apt to intrude itself into questions quite unconnected with pension. As that article stands, an officer's title to pension is at present derived from the office which he holds. In future it will be simply by "performing duty" that an officer will earn both leave and pension, and it is by his average pay while on duty that the amount of his leave-salary and his pension will be decided. It is not required that he should earn either the one or the other by his tenure of a particular office; but it is laid down that every officer must have a substantive niche in the appropriate cadre before he can earn anything at all. Rule 12 read with rule 14 is intended to make this position clear.

\**Rule 13.*—This is taken from article 89 of the Civil Service Regulations. It may at times be administratively convenient to make a provisionally substantive appointment in place of an officer deputed for a long period to other duties. The second part of the rule will permit a provisionally substantive appointment to be made in cases where an acting appointment would be inadmissible.

*Rule 14.*—

*Substantive portion.*—The provision for the transfer of lien is taken from article 214 of the Civil Service Regulations, read with the last sentence of the definition of lien in article 31.

*Clause (a).*—Provision for the retention of a lien during leave is now made in articles 210, 211 and 212 of the Civil Service Regulations. The new rules provide for a substantive lien only, since it is no longer proposed to retain any provision for the retention of a lien on an officiating appointment. The exception in this clause is clearly necessary.

*Clause (b).*—Provision for a lien during foreign service is now made in article 755 (a) of the Civil Service Regulations. The retention of lien during service in a temporary post or while officiating in another post is a necessary part of the new scheme, as of the present scheme. It is not specially mentioned in the Civil Service Regulations, but its existence is implied in article 89 as well as in the definitions contained in articles 6 and 31.

*Clause (c).*—The present wording of the definition of "absentee" in article 6 of the Civil Service Regulations shows that an officer on joining time now retains a lien on his post. This must, of course, be reproduced in the new rule, but it is necessary to provide for the situation which arises when the officer on joining time is proceeding from one substantive post to another.

*Clause (d).*—The present definition of "absentee" in article 6 provides for a lien during suspension. This is clearly necessary, as a substantive appointment could not be made in the case of a suspended officer without raising very awkward questions when the officer was reinstated.

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\**F. R. 13* (as it stood on 1st January 1922) has since been amended—*vide* *F. D. correction No. 3*, dated 20th June 1924.

NOTE.—The note contains the gist of article 598 (b) of the Civil Service Regulations.

*Rule 15.*—The substance of this rule comes from article 214 of the Civil Service Regulations. That article specifically applies to leave only, but the principle should obviously be of universal application.

*Rule 16.*—This rule is inserted to obviate the necessity of including in the fundamental rules such details as those which are given in articles 556 to 560 of the Civil Service Regulations. Incidentally, it will cover subscriptions to the General Provident Fund, which is not mentioned in the Civil Service Regulations.

\**Rule 17.*—The first part of this rule is taken from rule 52 (a) of the Civil Service Regulations, and the second part is logical sequel of the first. It seems unnecessary to include in the fundamental rules the distinction which the Civil Service Regulations make between the assumption of charge in the forenoon and in the afternoon. A rule of this kind can be more properly issued as an audit instruction.

†*Rule 18.*—This is reproduced from article 198 of the Civil Service Regulations. Here, as elsewhere in the fundamental rules, it is unnecessary to specify the powers of the Secretary of State in Council.

#### CHAPTER IV.

*Rule 19.*—No provision of this kind is made in the Civil Service Regulations. Section 96-B of the Government of India Act requires that the fundamental rules shall provide, among other matters, for pay. The real limits of fixation of pay are prescribed, so far as transferred subjects are concerned, in the Audit Resolution which is attached to rules made under section 45-A. In the case of Government servants employed in departments dealing with reserved subjects and of officers under the administrative control of the central Government the Secretary of State will regulate the limits by executive order. For the purposes of the present rules a general reference to these facts seems to be sufficient.

The proviso to the rule forbids the increase of the pay of an individual officer above the limits applicable to the pay of the post which he holds.

¶*Rule 20.*—This also is new, although similar powers as regards some of the periods concerned are given in article 68-A and elsewhere. It is a natural sequel of the power of treating certain periods as duty which is conferred on local Governments by fundamental rule 9 (6) (b). A local Government may not always consider it desirable to allow full pay and allowances during such periods.

†*Rule 21.*—For certain services the Secretary of State in Council has recently introduced new varieties of time-scale, such as those based on total length of service and the Education Department scale which depends on age. He has laid down specific conditions to govern admission to these scales, and the present rule has been introduced to safeguard those conditions.

§*Rule 22.*—This rule replaces the complicated rules in articles 156 to 157-A of the Civil Service Regulations. The new rules are far simpler and more easily intelligible than the old, and they will remove the anomalies which arise under the present system.

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\**Sub-rule (2) to F. R. 17* (as it stood on 1st January 1922) has since been added—*vide* F. D. correction No. 22, dated 20th May 1926.

†*F. R. 18* (as it stood on 1st January 1922) has since been amended—*vide* F. D. correction No. 8, dated 19th December 1924.

¶*F. R. 20* (as it stood on 1st January 1922) has been amended with effect from 16th June 1925—*vide* F. D. correction No. 16, dated 20th August 1925.

†*F. R. 21* (as it stood on 1st January 1922) has since been amended.—*Vide* G. I. F. D. correction No. 70, dated 7th May 1930.

§*F. R. 22* (as it stood on 1st January 1922) has since been amended.—*Vide* G. I. F. D. correction No. 70, dated 7th May 1930.

*Rule 23.*—This is article 158, with a slight change in wording to make the meaning clear.

*Rules 24 and 25.*—Rule 24 contains the substance of article 152. The first sentence of rule 24 and the whole of rule 25 are designed to make clear a fact which is not at present specifically stated in the Civil Service Regulations.

\**Rule 26.*—This rule is designed to state in concise form the complete rules governing the accrual of increments in a time-scale.

The fact that time spent on foreign service counts for increments is taken from article 752.

*Rule 27.*—This rule contains the substance of article 158 (b) with a slight change. The grant of an increment in advance really amounts to an increase in the pay of the Government servant concerned. Power to make such an increase cannot be conceded unless the authority concerned is empowered to create a post on the increased rate of pay.

*Rule 28.*—This is article 157-B (b) with "grade or post" substituted for "appointment".

†*Rule 29.*—This is article 154 with a slight change in wording.

‡*Rule 30.*—This embodies one of the two main principles on which the new rules governing acting appointments are based. No enhanced pay should be drawn on account of such an appointment unless it involves the assumption of duties or responsibilities of a greater importance and of a different character. The exception under the rule is designed to protect, until their next reorganization, certain establishments in which grade to grade promotions are at present the rule.

\$*Rule 31.*—This embodies the second main principle of the new rules, that an officiating Government servant should ordinarily draw the pay of the post in which he officiates. It is of course limited by the provisions of rule 80 and susceptible of modification by the application of rule 35.

¶*Rule 32.*—A comparatively simple rule has been evolved, under the two main principles, to replace the complicated set of regulations in article 155. It calls for no explanation. The note under the rule is a logical sequel of the local Government's power to create posts.

||*Rule 33.*—This is, on the face of it, a new rule, but the principle which it embodies is really contained in rule 3 under article 39 of the Civil Service Regulations.

¶*Rule 34.*—This contains the substance of the note under article 109 of the Civil Service Regulations.

*Rule 35.*—The inclusion of this rule makes it possible to dispense with charge allowances and the system of holding charge, for which provision is now made in articles 94 and 95. It also obviates the necessity of reproducing in the fundamental rules a number of special rules such as those in articles 139, 139-A, and 142 to 143-A, fixing definite rates of allowance for definite acting incumbents. Local Governments, under this rule, will be able to issue

\**F. R. 26* (as it stood on 1st January 1922) has since been amended—*vide* F. D. corrections No. 11, dated 21st February 1925 and No. 70, dated 7th May 1930.

†*F. R. 29* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. correction No. 54, dated 8th December 1928.

‡*F. R. 30* (as it stood on 1st January 1922) has since been amended—*vide* F. D. corrections Nos. 4, 9, 34 and 70, dated 22nd September 1924, 19th December 1924, 5th July 1927 and 7th May 1930, respectively.

\$*F. R. 31* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. correction No. 70, dated 7th May 1930.

¶*F. R.'s 32 and 34* (as they stood on 1st January 1922) have since been deleted—*vide* G. I. F. D. correction No. 70, dated 7th May 1930.

||The wording of *F. R. 33* (as it stood on 1st January 1922) has since been slightly modified—*vide* F. D. correction No. 19, dated 24th March 1926.

the necessary orders. There may be other cases also in which they will wish to give less than the full pay; particularly those of Government servants without substantive posts and cases in which they exercise the powers conferred by the exception under rule 30.

*Rule 36.*—This covers the rules under article 86, and slightly extends the powers therein given to local Governments.

*Rule 37* contains the substance of article 61.

*Rule 38* contains the substance of article 542, re-worded to suit the new conditions.

*\*Rule 39 to 41.*—These replace the very complicated rules in articles 76-B and 76-C, which are constantly giving rise to hard cases and references to the Government of India. It is proposed to leave to local Governments the fixation of the pay of temporary posts, subject to the ordinary *maximum* and to certain general principles, and to allow officers holding them to draw the full pay fixed.

*Rule 42.*—

*Clause (a)* contains the relevant part of articles 191 and 193 (a).

*Clause (b)* contains the substance of article 187, with an extension of the principle of that article to all Government servants recruited in the United Kingdom.

*Rule 43.*—

*Clauses (a) and (b).*—Articles 108, 187 and 566 now lay down the actual rates.

It seems undesirable to stereotype these in the fundamental rules and power to fix the rates has therefore been left to the Secretary of State in Council.

*Clause (c).*—This is the substance of article 193 (a), with the omission of the prescription of a minimum for Europeans. In present conditions, no European is ever likely to be employed on less than Rs. 100 a month.

## CHAPTER XII.

†*Rule 44.*—The exception at the beginning of this rule is intended to cover such cases as those of the sumptuary and contract grants of His Excellency the Viceroy and Governors. Apart from such cases, it is proposed to leave to local Governments, subject to certain general principles, full powers with regard to compensatory allowances other than sumptuary allowances. Provision has been made in devolution rule 39 that no such allowances shall be given without previous consultation with the Finance Department.

In order to prevent embarrassing divergence of practice, the power of granting free passages to and from the United Kingdom is reserved by the note under the rule to the Secretary of State in Council.

†*Rule 45.*—The rules governing the provision of residences for Government servants are now set forth in very great detail in the Public Works Department Code. The provisions of that Code, which is under revision, will in future not be binding on the transferred side of local Governments, which will deal with practically all provincial roads and buildings. Restrictions upon the financial powers of ministers in this connection can be contained in rules made under sections 45-A and 96-B of the Act only, and of the two

*\*F. R. 41* (as it stood on 1st January 1922) [*viz.*, "A person appointed to a temporary post will draw the pay of that post"] has since been deleted—*vide* G. I. F. D. correction No. 23, dated 17th July 1926.

†*F. R. 44* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. correction No. 26, dated 18th September 1926.

†*F. R. 45* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. corrections Nos. 89 and 66, dated 3rd October 1927 and 18th March 1930, respectively.

places it seems more suitable to include them in the present rules. Provision has accordingly been made in fundamental rule 45, laying down very general principles to govern the supply of residences and the recovery of rent; and subject to these principles the control of this subject is left entirely to local Governments. It will be noticed that the new general rules do not limit the cost of building with reference to the pay of the probable occupier; and that it will not be essential that an officer supplied with more than one residence shall pay rent for all throughout the year.

\**Rule 46.*—This is taken from article 72 of the Civil Service Regulations, clauses (a) and (b), with the omission of the executive instructions at the end of clause (a). The introduction of a reference to "fees" is necessary, as Government servants are at times permitted to take regular allowances from outside sources. Tuition fees paid to an educational officer are another case in point.

†*Rule 47.*—This replaces clauses (c) and (d) of article 72, as well as article 74. Full powers to make honoraria rules are now left to local Governments.

‡*Rule 48.*—This covers the cases for which provision is now made by articles 71 (c) and 73 of the Civil Service Regulations.

## CHAPTER VI.

§*Rule 49.*—This rule replaces article 162 of the Civil Service Regulations. Clauses (a) and (b) of the rule correspond with clauses (i) and (ii) of the article. The proviso in clause (iii) of the article has been omitted, in view of the fact that a local Government can already dispense with it if it desires to do so.

*Clause (c)* of the rule contains the substance of article 164, with the omission of the reference to duty allowance, which will in future be part of the pay of the post.

## CHAPTER VII.

¶*Rules 50 and 51.*—These two rules reproduce the substance of articles 85 and 85-A as recently revised.

## CHAPTER VIII.

*Rule 52.*—This is taken from article 192 of the Civil Service Regulations.

*Rule 53.*—This embodies the substance of articles 191 and 193 (a) of the Civil Service Regulations. The amount of subsistence allowance in the latter article is taken into fundamental rule 43 (b).

*Rule 54.*—The first part of this rule is taken from article 193 (b). The second part is a new addition, which seems necessary in view of the importance attached to "duty" in the fundamental rules.

*Rule 55* contains as much of article 195 as it is considered necessary to reproduce in the fundamental rules.

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‡*F. R. 46* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. correction No. 61, dated 12th August 1929.

†*F. R. 47* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. corrections Nos. 30 and 61, dated 18th February 1927, and 12th August 1929, respectively.

†*F. R. 48* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. correction No. 61, dated 12th August 1929.

§*F. R. 49* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. correction No. 49, dated 12th May 1928.

¶*F. R. 51* (as it stood on 1st January 1922) has since been amended.—*Vide* G. I. F. D. corrections Nos. 7, 27, 47 and 56, dated 20th November 1924, 18th November 1926, 7th April 1928 and 12th February 1929, respectively.



## CHAPTER IX.

*Chapter IX* contains certain provisions as to the age of superannuation which have been extracted from those portions of the Civil Service Regulations which deal with pensions. It seems desirable to lay them down as part of the conditions of service. No mention is made in this chapter of the powers of dismissal to be exercised by various authorities, as rules on this point are included in other rules made under section 96-B of the Act.

*\*Rule 56.*—

*Clauses (a) and (b)* contain the real substance of article 459 of the Civil Service Regulations, with the omission of those parts of the article which relate to procedure only.

*Clause (c) of the rule.*—

*Sub-clauses (i) and (ii)* contain the substance of article 565 (a) and the note under it.

*Sub-clause (iii)* is taken from article 550.

If there still are any officers to whom the first sentence of that article applies, they can be protected by an audit instruction.

*Sub-clauses (iv) and (v)* reproduce the substance of articles 649 and 650, with a delegation to local Governments of the power of granting extensions to Chief Engineers, which is now reserved to the Government of India.

*Sub-clause (vi).*—Item 1 under this sub-clause is taken from the latest orders in the Royal Warrant, which modify article 613 (b) and the exception under article 612.

*Item 2* is taken from article 613 (a).

*Item 3* is taken from articles 616 and 619 (b).

*Item 4* is taken from article 612 (a) read with 613 (c).

References to retirement on attaining to Colonel's allowance have been omitted, as it is understood that this allowance is not in actual practice earned until long after retirement from civil employ.

*Note 1* is taken from the note under article 565 (b), but it is made applicable to all services and not to the Indian Civil Service only.

*Note 2* reproduces the principle contained in articles 565 (b), 612 (b) and the note under article 64.

†*Rule 57* contains the substance of article 536.

## CHAPTER X.

NOTE.—The references in this memorandum to articles in the Civil Service Regulations are to the new articles as recently revised.

*Rules 58 and 59.*—In the new arrangement of the leave rules, the five first and main sections have been made applicable to all Government servants substantively holding permanent posts in civil employ, Special exceptions, and provision for Government servants rendering service other than permanent and substantive service, have been relegated to section VI.

*\*Clause (c) of F. R. 56* (as it stood on 1st January 1922) has been amended by inserting sub-clause (vi) and modifying item 3 of old sub-clause (vi) now re-numbered as sub-clause (vii) (1)—*vide* G. I. F. D. No. 2189-C. S. R., dated 10th December 1923, and F. D. correction No. 5, dated 22nd September 1924. Note 3 has also been inserted below this Rule—*vide* G. I. F. D. No. 1194-C. S. R., dated 22nd October 1922, sub-clause (iii) was amended by G. I. F. D. correction No. 33, dated 2nd June 1927; and sub-clauses (iv) and (v) were substituted by a revised sub-clause (ix)—*vide* G. I. F. D. Notification No. F. 65-R.I./29, dated 3rd July 1930.

†*F. R. 57* (as it stood on 1st January 1922) has since been deleted—*vide* G. I. F. D. correction No. 87, dated 26th April 1927.

Rules 58 and 59 state this fact, and the former rule gives an option of remaining under the leave rules to which they are at present subject to all Government servants now in service.

*Rule 60.*—The earning of leave by duty only is a main principle of the fundamental rules, and this is expressed in this rule.

The latter part of the rule provides for the earning of leave by foreign service in India, which is not covered by the definition of "duty".

*Rule 61.*—The provisions of this rule are taken from the definition in article 35 of the Civil Service Regulations.

*Clause (a)* reproduces article 35 (a) 1 and 2, with the substance of note 2 under article 622, and *clause (b)* article 35 (a) 5.

*Rule 62* is taken from article 35 (b).

*Rule 63.*—This is taken from article 35 (a) 6.

*Rule 64.*—This contains the main portion of article 204, with the addition of the concession given by articles 544 and 545, which has been extended in this case, on the analogy of the statutory rules, to officers holding barrister appointments also.

\**Rule 65.*—This reproduces the provisions of article 205 with a modification in the direction of liberality.

*Rule 66.*—Article 841, which appears in the procedure portion of the Civil Service Regulations, is the existing authority for the grant of all leave. Such a provision is clearly necessary in the fundamental rules, and a rule-making power seems preferable to a general power of delegation.

It is considered desirable not to allow local Governments to delegate power to grant special disability leave. Rule 83 has accordingly been so worded as to give the power to local Governments only, and rule 6 forbids local Governments to delegate this power.

*Rule 67.*—This reproduces the principle of article 197 (a), with some changes in wording.

*Rule 68.*—This contains the relevant part of articles 220 and 221, the minor details treated in those articles being left to local Governments to regulate by rule.

*Rule 69.*—This contains the substance of article 200, with the extension to all classes of officers of a concession which is restricted in the article to non-gazetted officers only. Slight changes in wording have been made.

†*Rule 70.*—This contains the substance of article 199, but the following provisions of that article are omitted:—

(1) *The reference to the concession given by article 233 (iv).*—This reference would be meaningless in the fundamental rules, as combined leave no longer exists as such. Moreover, though this point seems to have escaped notice in drafting the new Chapter XI of the Civil Service Regulations, *clause (iv)* has dropped out of the new article 233.

(2) *Clause (a)* also has been omitted, as it becomes of little importance with the abolition of the requirement of intervals between periods of leave.

*Rule 71.*—This reproduces a condition in rule 1 under article 197 (c), which occurs in other articles also of the Civil Service Regulations. It seems advisable to make it a general rule.

*Rule 72.*—This contains the principle of article 223. A Government servant returning without permission will, as a result of this rule, be required to remain on leave in India.

\**F. R. 65 (a)* (as it stood on 1st January 1922) has since been amended—*vide G. I. F. D. correction No. 51, dated 9th October 1928.*

†*F. R. 70* (as it stood on 1st January 1922) has since been amended—*vide G. I. F. D. correction No. 64, dated 15th February 1930.*

*Rule 73.*—This reproduces article 229, with the substitution for loss of lien of liability to transfer of lien. Wilful overstaying of leave can thus be punished by degradation.

*Rule 74* empowers local Governments to make the various rules as to procedure which occur throughout the leave chapters of the Civil Service Regulations and particularly in Chapters XLIII to XLVI. Power is reserved to the Auditor-General to enforce uniformity where this is desirable.

\**Rule 75.*—The rules governing admission to the benefits of the European service leave rules are now laid down in article 310. Those rules are at present under revision and have been referred to local Governments. It was therefore impossible to include them in detail in the fundamental rules, and the power of making such rules has therefore been reserved to the Secretary of State in Council.

The terms "special" and "ordinary" rules have been substituted for the former titles, which suggested racial discrimination.

*Rule 76.*—A new rule, which explains a prominent feature of the new regulations.

*Rule 77.*—

*Clause (a).*—The fractions of 5-22nds and 2-11ths are calculated on the same basis at present, as follows:—

(1) *For Government servants under the special leave rules.*—By 11 months of what will in future be called duty, an officer at present earns one month of privilege leave. Having taken that month, he has done 12 months' active service and has therefore earned 3 months' furlough, which, in terms of leave on average pay, represents  $1\frac{1}{2}$  months' leave. He thus earns, by 11 months of duty, 1 plus  $1\frac{1}{2}$  months' leave, i.e.,  $2\frac{1}{2}$  months' leave.  $\frac{2\frac{1}{2}}{11} = \frac{5}{22}$  the fraction adopted.

(2) *For Government servants under the ordinary leave rules.*—11 months' duty similarly earns 1 month's privilege leave; but 12 months' active service earns 2 months' furlough only, or, in terms of leave on average pay, 1 month's leave. Therefore in this case 11 months' duty earns 2 months' leave and the fraction is 2-11ths.

†*Clause (b)* is so drafted as to give to a Government servant in the service at the time when these orders come into force, credit for all the leave which is already at his credit, and to allow him to earn leave hereafter at the same rate as new recruits.

‡*Clause (c).*—This is a new concession, based on the fact that military officers who have served in India during the war have mostly large arrears of leave at their credit; and that, if they enter civil employ, it would be inequitable to deprive them of this credit of leave.

\**F. R. 75* (as it stood on 1st January 1922) has been replaced by revised *F. R. 75* and *F. Rs. 75A, 75B* and *75C*, and the Schedule (inserted after *F. R. 130*)—*vide* G. I. F. D. Resolution No. 1455-C. S. R., dated 18th August 1923. Corresponding amendments to the C. S. R. have also been issued with G. I. F. D. Resolution No. F.-68-II-C. S. R.-24, dated 18th July 1924.

*F. R. 75* has further been amended—*vide* G. I. F. D. correction No. 45, dated 6th February 1928.

*F. R. 75-A* has further been amended—*vide* G. I. F. D. correction No. 45, dated 6th February 1928.

‡*Clause (b) (i) (2)* of *F. R. 77* (as it stood on 1st January 1922) has been replaced by revised clause (b) (i) (2) and (b) (i) (3) with effect from 1st January 1922—*vide* F. D. correction No. 13, dated 18th March 1925.

‡*Clause (c)* also has since been amended *vide* F. D. corrections Nos. 20, 48, 55 and 67, dated 24th March 1926, 7th April 1928, 16th January 1929 and 18th March 1930, respectively.

The note under the rule reproduces the effect of article 622 (b) and note 1 under it.

*Clause (d)* is taken from the second part of article 204.

*Clause (e).*—When the leave rules were recently simplified, it was found necessary to give to Government servants subject to the Indian service leave rules the option of continuing under the rules previously in force. The reason for this was the fact that, under the old rules, a Government servant was able, in case of need, to take 3 years' leave on medical certificate during his first 18 years of service and still to be entitled to 2 years' furlough at the end of that period. A Government servant who had enjoyed this full concession would have lost heavily at the outset by coming under the new rules; since the active service which he had rendered would have amounted to 15 years only, and would have earned no more than  $1\frac{1}{2}$  or  $2\frac{1}{4}$  years' furlough. Thus, instead of having 2 years' furlough at his credit when the new rules came into force, he would have had a debit of 6 months. It was to obviate this hardship that the option was given.

It is considered desirable to dissuade Government servants from accepting the option given by the fundamental rules, and rule 77 (e) has been drafted with this object. Under this rule, one-third of the period actually taken on medical certificate will be credited to the leave account, while, under rule 78 (b), one-half of that period will be debited. The result is a *net* debit, on account of leave on medical certificate, of one-sixth of the period actually taken; which, as the leave account is kept in terms of leave on average pay, means that the Government servant concerned will start under the new rules with a debit, on account of leave on medical certificate, of one-third of the number of months of such leave actually taken in the past. It should be pointed out at this stage that rule 77 (e) produces no effect upon the total amount of leave which the Government servant may earn during his service. That remains unchanged, as fixed in rule 81 (a) (ii). The only effect of rule 77 (e) is upon the amount which will be entered as already earned when he first comes under the new rules.

It will be found that the new rules give sufficient protection to the Government servants concerned. To take the most unfavourable case of all, that of a Government servant who has just completed 18 years' service, in the course of which he has taken 3 years' leave on medical certificate, and is now entitled, under the old rules, to 2 years' furlough on half average salary. It will be assumed, for the purpose of argument, that he has taken the full amount of privilege leave admissible, though this produces no effect upon the calculation. If this Government servant is brought under the new rules, the position will be as follows:—

- (1) He has served 18 years, out of which 3 years were spent on medical leave.

The balance of his service is 15 years, of which  $1\frac{1}{2}$ ths or  $1\frac{1}{2}$  years could have been taken as privilege leave.

Assuming that he took this privilege leave, he has performed  $13\frac{1}{2}$  years of "duty".

- (2) By  $13\frac{1}{2}$  years' duty, he has earned leave, as credited to the leave account, of  $2\frac{1}{12}$ ths of  $13\frac{1}{2}$  years =  $2\frac{1}{4}$  years. Under rule 77 (e) he will be credited in addition with one-third of the period spent on medical leave, i.e.,  $\frac{1}{3}$ rd of 3 years or 1 year.

Thus the credit side of his leave account will show a total of  $3\frac{1}{4}$  years.

- (3) On the debit side will be shown, under rule 78 (b), one-half of the period spent on medical leave, *plus* the amount of privilege leave actually taken.

The total debit is thus  $1\frac{1}{2}$  *plus*  $1\frac{1}{4}$  years, or  $2\frac{1}{4}$  years.

- (4) Thus the balance at his credit will be  $\frac{1}{4}$ th of a year, expressed in terms of leave on average pay, and he will be able to take at once  $1\frac{1}{2}$  years on half average pay; as against the 2 years to which he is entitled under the existing rule.

This seems a sufficient balance with which to start him under the new rules. The remaining six months are, of course, not lost to him, as he will be able to earn them by subsequent service.

Statutory civil servants have been included under this rule, as their leave rules, as laid down in article 566, are practically indetical with the old Indian service leave rules.

\*Rule 78.—The two main clauses of this rule state the general principle that leave will hereafter be debited in terms of leave on average pay.

Note (1) requires little explanation. No debit is to be made, as the only privilege leave credited is that which is due when the officer comes under the new rules.

Note (2).—Clause (a) of this note also follows as a matter of course.

† Clause (b) is reproduced from the note under article 315.

Note 3 comes from article 204.

Rule 79 contains the principle of existing article 314 (ii).

Rule 80.—This replaces the rules contained in articles 252, 315 and 324.

‡Rule 81.—

Clause (a).—The total amounts of leave prescribed in this clause represent the amounts now admissible as privilege leave and furlough. The calculations are made as follows:—

- (i) *Government servants under the special leave rules.*—One maximum has been taken for all such servants. Article 312 gives six months' more furlough to a member of the Indian Civil Service or a military officer subject to civil leave rules than to other persons under the special leave rules. The extra six months represent the six months of special leave with allowances which could be granted to such officers before the revised article 312 came into force. Provision for this leave is now made in note (2) (ii) under rule 78, which treats it independently of the leave account.

The term of three years in the rule represents the existing limit of six years' furlough, converted into terms of leave on average pay; and the 1-11th of duty represents existing privilege leave.

- (ii) *Government servants under the ordinary leave rules.*—The calculation here is similarly made, the term of 2½ years representing the limit of five years' furlough in article 322.

Clause (b).—This reproduces the existing rule in article 316-A (a), plus an allowance of 1-11th of the period spent on duty to take the place of the present privilege leave.

The proviso under sub-clause (ii) represents the substance of the proposals regarding the commutation of furlough by Government servants subject to the ordinary leave rules which the Secretary of State has recently accepted.

The note under the rule safeguards the interests of officers who have not yet used their privilege leave accumulated under the special war concession.

\*F. R. 78 (as it stood on 1st January 1922) has been amended—vide F. D. corrections Nos. 2, 10, 17, 26, 48, 52 and 67, dated 19th May 1924, 19th December 1924, 20th August 1925, 18th September 1926, 7th April 1928, 16th November 1928 and 18th March 1930, respectively.

† Clause (b) of Note 2 (i) below F. R. 78 (as it stood on 1st January 1922) has since been amended—vide F. D. correction No. 20, dated 24th March 1926.

‡ Clauses (a) and (b) of F. R. 81 (as it stood on 1st January 1922) have been amended with effect from 1st January 1922—vide F. D. corrections Nos. 11 and 17, dated 19th December 1924 and 20th August 1925 respectively. The expression "plus one year" in the original clause (b) (ii) has also been cancelled—vide G. I. F. D. Resolution No. 1414-C. S. R., dated 20th December 1922. These clauses have been further amended—vide G. I., F. D., corrections Nos. 26, 40 and 55, dated 18th September 1926, 7th November 1927 and 16th January 1929, respectively.

*Clauses (c) and (d).*—These reproduce the provisions of article 301 and the first part of article 302.

The maximum limit of leave is raised to 28 months in order to include 4 months of "privilege leave".

*Clause (e).*—This is a re-wording of the latter part of article 302.

*Rule 82.*—This reproduces the substance of articles 271 to 278, but leaves power to local Governments to define vacation departments by rule and to say when a Government servant may be considered to have availed himself of a vacation.

*Clause (b)* covers articles 271, 272 and 274.

*Clause (c)* covers the latter part of article 271.

*Clause (d)* embodies the spirit of article 278 (3).

\**Rule 83* contains the substance of the re-draft of article 783 which was recently sent out by the Secretary of State and accepted by the Government of India.

*Rule 84.*—The conditions of study leave, as contained in the recent re-draft of Appendix 32, are too complicated and contain too many administrative details to be reproduced in the fundamental rules. Power is accordingly left to the Secretary of State in Council to issue them by executive order.

*Rule 85.*—

*Clause (a)* contains the substance of article 306 (a); except that provision for loss of lien is omitted. Under fundamental rule 14, a Government servant on leave will always retain a lien on a substantive post.

*Clause (b)* of this rule is taken from article 322.

*Clause (c)* comes from note 2 under article 307.

†*Rule 86* contains the provisions of article 234, with an extension in the direction of liberalisation.

‡*Rule 87.*—This leaves it to the Government servant taking leave to elect whether he will take it on average pay or on half average pay, or partly on one and partly on the other and removes all necessity for definite provision for combination of ordinary leave.

The note under the rule reproduces the substance of article 325 (b).

§*Rule 88.*—This replaces article 317. The period of 28 months is a period of actual absence and is not calculated in terms of leave on average pay.

¶*Rule 89.*—The *maxima* given in this rule are taken from articles 316, 316-A and 326, which detail the latest rates accepted by the Secretary of State. Some modifications have been made in the rupees figures in order to make them exactly ten times the sterling figures. The abolition of the minimum for the first four months of any period of leave is intended to

\**F. R. 83* (as it stood on 1st January 1922) has been replaced by *F. R.'s 83, 83A and 83B*—*vide* G. I. F. D. correction No. 26, dated 18th September 1926. *F. R.'s 83 and 83B* have further been amended respectively by G. I. F. D. Notification No. F./42-R. I./29, dated 24th June 1929 and No. F./52-R.I./29, dated 27th January 1930.

†*F. R. 86* (as it stood on 1st January 1922) has been replaced by a new rule—*vide* G. I. F. D. Notification No. F./134—R.I./28, dated 16th May 1929.

‡*The note under F. R. 87* (as it stood on 1st January 1922) has been cancelled and a proviso inserted at the end of the Rule with effect from 8th October 1924—*vide* F. D. correction No. 12, dated 21st February 1925. This proviso has further been amended—*vide* G. I. F. D. correction No. 41, dated 7th November 1927.

§*The Note to F. R. 88* (as it stood on 1st January 1922) has been amended—*vide* G. I. F. D. correction No. 48, dated 7th April 1928.

¶*F. R. 89* (as it stood on 1st January 1922) has been amended by the introduction of sub-rule (1)—*vide* G. I. F. D. correction No. 42, dated 7th November 1927.

protect Government servants from loss due to the abolition of privilege leave. The maximum period of total leave on average pay prescribed in rule 31 (b) will prevent any serious abuse of this concession.

*Note 1* under the rule protects those officers who have not yet made use of the privilege leave accumulated under the special war concession.

*Note 2* is necessary in order to make it clear that a Government servant in a vacation department cannot draw average pay without limits for any longer period than represents the privilege leave which he would have earned under the old rule.

\**Rule 90.*—The *minima* set forth in this rule are taken from articles 316, 319 and 327, with the omission of the limitation of the amount of leave-salary to the salary last drawn on duty and to  $\frac{2}{3}$ ths and  $\frac{1}{3}$ ths of that salary. This is thought to be proper, in view of the fact that average pay will now be calculated on the average of 12 months only. There is no reason why a Government servant should suffer by reason of the reduction of his pay shortly before he proceeds on leave or gain by its temporary enhancement.

*Note 1* under the rule reproduces the existing restriction, with the omission of the requirement that leave must be taken on account of ill-health.

*Note 2* is taken from article 316 (b).

*Note 3* is the note under the same article.

†*Rule 91.*—This replaces the rules which now appear in articles 862 and 863. It has recently so often been found necessary to change the basis of conversion that it seems desirable not to lay down a specific method of conversion in the fundamental rules, but to leave it to the Secretary of State to fix rates from time to time.

†*Rule 92* reproduces an existing restriction.

*Rule 93.*—This replaces the rules in articles 267 and 268. It permits local Governments, subject to certain restrictions, to make rules governing the drawing the compensatory allowances during the leave which corresponds to privilege leave.

†*Rule 94* calls for no comment.

*Rule 95.*—This rule reserves to the Secretary of State the power of making rules regarding the leave admissible to chaplains. It seems undesirable to reproduce in the fundamental rules the detailed rules for chaplains which now exist. In order to do so, it would be necessary to transcribe in full a very large number of rules relating to privilege leave, furlough, etc., which are now obsolete for other services.

*Rule 96.*—This reproduces the provisions of article 534, with an addition designed to remove what is now an undoubted hardship.

§*Rule 97.*—This replaces the rules in note 2 under articles 534 and 537, which have been extended to cover the cases of Governors and Chief Commissioners. The first Governors under the new constitutions will, in many cases, be members of the Indian Civil Service; while the pay of at least

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\**Note 1 to F. R. 90* (as it stood on 1st January 1922) has been amended—*vide* G. I. F. D. corrections Nos. 31 and 48, dated 18th February 1927 and 7th April 1928, respectively. The *Note 2* (as it stood on 1st January 1922) has been replaced by the new note—*vide* G. I. F. D. correction No. 43, dated 7th November 1927.

†*F. Rs. 91 and 92* (as they stood on 1st January 1922) have been amended with effect from 17th March 1925—*vide* F. D. correction No. 14, dated 18th May 1925. *F. R. 91* has further been amended—*vide* G. I. F. D. corrections Nos. 27 and 32, dated 18th November 1926 and 18th February 1927, respectively.

†*F. F. 94* (as it stood on 1st January 1922) has been amended—*vide* G. I. F. D. correction No. 42, dated 7th November 1927.

§*F. R. 97* (as it stood on 1st January 1922) has been replaced by the new rule—*vide* G. I. F. D. correction No. 42, dated 7th November 1927.

one Chief Commissioner has recently been raised almost to a level with that of members of a provincial executive council.

Lieutenant-Governors and members of council are now permitted, in certain circumstances, to take leave preliminary to retirement, and it is considered proper to extend to them the ordinary concessions as limited by fundamental rule 86.

The limit of Rs. 4,000 is adopted in order not to penalise Chief Commissioners like those of Delhi and the Andamans, who draw comparatively low pay, and officers who were promoted from those Chief Commissionerships to the offices with which this rule deals.

\*Rule 98 contains the substance of articles 546 and 548.

Rule 99 provides for the substance of article 654.

†Rule 100.—

Clauses (a) and (b) of this rule are taken from articles 605 and 606, the second part of clause (a) (i) coming from article 250 (b), with an addition designed to remove an existing grievance.

Clause (c) is taken from rule 2 under article 232.

Rule 101 is intended to empower local Governments to make such rules for hospital and maternity leave as are now laid down in section V of Chapter XII of the Civil Service Regulations, as well as elsewhere.

Rule 102 similarly replaces articles 289 and 290 of the Civil Service Regulations.

Rule 103.—It is intended to give local Governments full powers to regulate the leave to be earned by the varieties of service specified in this rule. The proviso will prevent the grant of any excessive concessions.

Rule 104.—

Clause (a) contains the substance of the rule and notes under article 202 (a).

Clause (b) gives a rule-making power to local Governments.

## CHAPTER XI.

(The references in this chapter are to the articles of the Civil Service Regulations as recently revised.)

‡ Rule 105.—

Clauses (a) and (c) are taken from article 175.

Clause (b) (i) is taken from article 182.

Clause (b) (ii) from article 227.

Clause (d), read with rule 106, allows local Governments to lay down the rules which now appear in new article 190-A (b) and (c) and in old appendix 6-A of the Civil Service Regulations.

Rule 106.—This rule leaves it to local Governments to fix all such limits as are now laid down in articles 176 to 180 and 183 and 184 of the Civil Service Regulations.

\*F. R. 98 (as it stood on 1st January 1922) has been amended—*vide* F. D. corrections Nos. 15, 21 and 29, dated 18th May 1925, 22nd April 1926 and 20th January 1927, respectively.

†F. R. 100 (as it stood on 1st January 1922) has been amended—*vide* F. D. correction No. 1, dated 15th April 1924. A note has also been inserted below clause (a) (ii) of this Rule with effect from 1st January 1922—*vide* F. D. correction No. 6, dated 21st October 1924. The rule has further been amended—*vide* G. I. F. D. corrections Nos. 38, 50, 55 and 70, dated 8th August 1927, 11th August 1928, 16th January 1929 and 7th May 1930, respectively and Notification No. F./33-R.I./29, dated 8th May 1929.

‡ The proviso has been added to F. R. 105 with effect from 9th March 1926—*vide* F. D. correction No. 21, dated 22nd April 1926.



*\*Rule 107.—*

*Clause (a)* contains the first sentence of article 185. No reference is made to officiating lien in the new rule, as the fundamental rules do not provide for this variety of lien. Local and tentage allowances also are not mentioned, as local Governments will have full powers regarding compensatory allowances.

*Clause (b) (i).*—So far as long leave is concerned, the rates allowed by this clause are the same as at present. See articles 227 and 190-B (a). The new rule omits, however, the stipulation at the end of the latter article, by which a Government servant returning from furlough on average salary gets on joining time half average salary only. The reason for making the provision in article 190-B was that under rule leave on average salary is now treated for all purposes, except those of article 408, as equivalent to twice the amount of furlough on half average salary. It was therefore considered right that a Government servant returning from such leave should draw on joining time half average salary only. With the change in the leave rules, by which all leave is now calculated in terms of average pay, this interpretation is no longer justified; and there seems to be no reason why a Government servant returning from leave on average pay should not get average pay during his joining time. The new rules have been drafted accordingly.

On return from privilege leave a Government servant gets at present, under articles 182 and 185, the salary of his old or new post, whichever is less. The proposed new rule will give him his average pay of the past twelve months, and is desirable in the interests of uniformity. It will not give the Government servant less than he draws at present, unless it happens to be lower than the pay of both his old and his new post.

*The proviso* to this rule is taken from the existing rule in article 190-B (a). The privilege which it concedes dates back to the days of the East India Company.

*Note 1* under this rule is reproduced from article 609 of the Civil Service Regulations.

*Note 2* contains the substance of article 190.

*Rule 108.*—This is taken from article 189, with the omission of the reference to loss of lien, which is not contemplated by the fundamental rules, and provision, in its place, for transfer of lien as a penalty, in case this is thought necessary.

## CHAPTER XII.

*Rule 109.*—This is taken with some slight changes in wording from article 749-A.

*Rule 110.*—

*Clause (a).*—This is a new provision, though its spirit is already observed.

*Clause (b).*—The provision contained in this rule is nowhere definitely set forth in the Civil Service Regulations. It is, however, implied by the wording of article 763.

The note below the clause is repeated from note 3 under that article.

*Clause (c).*—This is the substance of article 763, the definite restrictions imposed by the article being replaced by a general provision for the issue of subsidiary rules by the Governor General in Council.

*Rule 111.*—This is the substance of article 762, slightly re-worded to meet the requirements of the fundamental rules.

*Rule 112* is taken from article 761 (c).

*Rule 113.*—This rule embodies, in rather more general terms, the provisions of article 752 and article 755 (a).

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\*F. R. 107 (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. correction No. 63, dated 15th October 1929.

*Rule 114.*—The first part of this rule is taken from the first part of article 758. The second part of the rule replaces articles 763 and 764, the definite restrictions prescribed in those articles being replaced by a general rule-making power reserved to the Governor General in Council.

\**Rule 115.*—This replaces article 765. The only change in substance is the provision that contributions will not be payable during leave. The new rates of contribution, which are now being calculated, will be worked out on this principle.

†*Rule 116.*—Some change has been made from the provisions of articles 766 and 767, in that contributions will in future be calculated on the pay actually drawn in foreign service, excluding that part of it which represents contributions. This is the principle on which the rates of contribution are being recalculated, and it gets rid of that inconvenient invention "assumed pay".

‡*Rule 117.*—This rule takes the place of the detailed statement of the rates of contributions now incorporated in the Civil Service Regulations. It was thought better to draft in the form adopted, because, firstly, this will render it easier to make any necessary changes in the rules hereafter and, secondly, the revised rates are still being calculated, and it is likely to be some time before a decision is reached concerning them.

§*Rule 118* is reproduced from article 771.

*Rule 119.*—

*Clause (a)* of this rule replaces article 772, the general powers reserved to the Governor General in Council taking the place of the specific restrictions in that article.

*Clause (b)* is intended to cover that part of article 776 which deals with questions of substance as opposed to procedure.

*Rule 120.*—This is article 753 with slight changes in wording.

*Rule 121* contains the substance of article 754, with the concession to local Government of a power previously reserved to the Government of India.

*Rule 122* is intended to cover the substance of article 777 and the first part of article 778.

¶*Rule 123* is article 781, with the omission of rules of procedure and some slight changes in wording.

*Rule 124* is article 757 with slight verbal changes.

*Rule 125* is article 755 (b). With a view to removing existing difficulties, the specific rules in the second and third paragraphs of that clause have been replaced by a general provision allowing the local Government on whose establishment the foreign servant is borne to decide the date of reversion.

*Rule 126* contains the second part of article 758.

||*Rule 127.*—This is article 783, with the one material change that full power is given to local Governments to reduce or remit contributions.

\**F. R. 115* (as it stood on 1st January 1922) has since been replaced by the new rule—*vide* G. I. F. D. correction No. 53, dated 16th November 1928.

†*F. R. 116* (as it stood on 1st January 1922) has since been replaced by the new rule—*vide* G. I. F. D. correction No. 53, dated 16th November 1928.

‡*F. R. 117* (as it stood on 1st January 1922) has since been replaced by the new rule—*vide* G. I. F. D. correction No. 53, dated 16th November 1928.

§*F. R. 118* (as it stood on 1st January 1922) has since been deleted—*vide* G. I. F. D. correction No. 69, dated 13th March 1930.

¶*F. R. 123* (as it stood on 1st January 1922) has since been replaced by the new rule—*vide* G. I. F. D. correction No. 53, dated 16th November 1928.

||*F. R. 127* (as it stood on 1st January 1922) has since been amended—*vide* G. I. F. D. correction No. 69, dated 13th March 1930.

## CHAPTER XIII.

*Rules 128 to 130.*—These are simple rules designed to replace such of the regulations in Chapter XLII of the Civil Service Regulations as do not deal with pensions. There is still a small number of local funds which are administered by Government. The fundamental rules treat the *employés* of such funds as Government servants proper. The *employés* of local funds which are not administered by Government are not Government servants, and the fundamental rules therefore make no mention of them.

*Rule 130* will enable local Government, if they so desire to make provision as in articles 797 and 799 of the Civil Service Regulations.

## APPENDIX No. 2.

### \*Memorandum explanatory of the treatment accorded in the Fundamental Rules to each article in the Civil Service Regulations.

*Article 1.*—It is considered unnecessary to reproduce *clause (a)*. Separate rules regarding recruitment, etc., have been made under Section 95-B of the Act.

*Clause (b)* does not require reproduction. The fundamental rules, within the scope explained by rule 2 of those rules, are intended to replace all existing orders.

*Clause (c)* is covered by fundamental rule 3.

*Article 2* is covered by fundamental rule 3.

*Article 3* has been omitted from the fundamental rules, as the regulations regarding travelling allowance also have been omitted. The control of travelling allowance is left to local Governments by Fundamental Rule 44.

*Article 4.*—The power of interpreting the fundamental rules is reserved to the Governor-General in Council by Fundamental Rule 8. The power of changing them must, in view of their statutory character, be exercised by the Secretary of State in Council. This fact does not require statement in the rules.

†The provisions of the second sub-paragraph of article 4 have been omitted. The fundamental rules will regulate all such matters in future.

## CHAPTER II.

*Article 5.*—This is reproduced in fundamental rule 9.

*Article 6.*—This article has been omitted, as the term "absentee" is not used in the fundamental rules.

*Article 7.*—This has been omitted, as the term "Accountant-General" is not employed in the fundamental rules.

*Articles 8 to 12.*—These articles have been omitted, since the fundamental rules make no mention of "active service." That term was employed in the Civil Service Regulations for the purposes of counting service for leave and pension. The fundamental rules adopt as the basis of service for leave the periods spent on duty, and the same course will probably be adopted in the pension rules. It may be mentioned, however, that the bulk of the concessions in article 8 re-appear in the fundamental rules, since joining time (which has now replaced subsidiary leave), examination leave and time spent on the voyage to India by a Government servant recalled from leave will all count as duty. Article 9 (ii), as interpreted by article 551, re-appears in fundamental rule 9 (6) (b) (iv).

*Article 13.*—This has been omitted, as the fundamental rules make no provision for travelling allowance, which will be left to local Governments to control.

*Article 14.*—This definition also has been omitted. It is considered that it can properly be covered by audit instructions.

*Article 15.*—This has been omitted, as the term "Audit Officer" does not occur in the fundamental rules.

\* The references in this memorandum to rules in the Fundamental Rules are to the rules as they stood on 1st January 1922. For subsequent modifications to the Fundamental Rules, see Appendix No. 1.

† See Auditor General's decision (8) below F. R. 8.

*Article 16.*—The term "salary" is not employed in the fundamental rules. It is replaced by "pay" throughout. "Average pay" has been defined in rule 9 (2) as the average monthly pay drawn during the twelve complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay. The change from three years to one year is necessitated by the fact that all leave-salary in future will be calculated on the basis of average pay. Privilege leave vanishes under the fundamental rules and is replaced by leave on average pay. If three years' average pay were retained, Government servants, and in particular those on a time-scale of pay, would lose very heavily during the first portion of each period of leave. With twelve months' average it has been calculated that they would gain while on "furlough" more than they would lose while on "privilege leave."

For pension purposes it will probably be necessary to retain the three years' average. If so, provision will be made for this by a special definition in the pension rules.

*Notes 1 and 3* to the article drop out, since privilege leave will cease to exist, and leave-salary will not be "pay" for the purposes of the definition.

*Note 2* re-appears in the first and *note 4* re-appears in the second proviso to fundamental rule 9 (2).

*Article 17.*—This has been reproduced with slight verbal changes in rule 9 (3).

*Article 18.*—The substance of this article has been reproduced in rule 9 (18), which has been so worded as to avoid definition by example.

*Articles 19 and 20.*—These articles are included for the purpose of travelling allowance rules only, and they have therefore been omitted from the fundamental rules.

*Article 21.*—It is considered unnecessary to define "consolidated pay." The term is used in connection with military officers only and it is defined in military regulations.

*Article 22.*—This definition has been omitted, as the terms "continuous service" and "continuous active service" are not used in the fundamental rules.

*Article 23.*—This article has been omitted, as it applies to travelling allowance rules.

*Articles 23-A and 23-B.*—These articles have been omitted from the fundamental rules, which contemplate that there will be no deputations in India and that cases which at present fall under the rules regarding deputations will in future be met by the creation of temporary posts. Deputations outside India will be covered by special rules to be framed by the Secretary of State (see Chapter VII of the fundamental rules) and will carry no deputation allowances as such.

*Article 23-C.*—Duty allowance is abolished in the fundamental rules. All such additions to pay will in future rank as pay proper and will be covered by the definition of "special pay."

*Article 24.*—No definition of "extraordinary leave" is inserted in this chapter of the fundamental rules, but the nature of such leave is fully explained in rule 85.

*Article 25.*—This has been omitted, as it is applicable to travelling allowance rules only.

*Article 26.*—This has been omitted, as the term "first appointment" is not used in the fundamental rules.

*Article 27.*—This has been reproduced, with a small addition, in rule 9 (7).

*Article 28.*—The relevant portion of this article has been reproduced in rule 9 (8). The reference to Mysore has been omitted, as the orders applicable to that State are practically obsolete and will apply in any case to pension only.

*Article 29.*—This very clumsy definition has not been reproduced in the fundamental rules. All that is necessary for the purpose of these rules has been included in the note under rule 30.

*Article 29-A.*—The term "Heads of Departments" is not used in the fundamental rules. Provision for powers of delegation has been made in rule 6.

*Article 29-B.*—This has been omitted, as the term "Imperial Branch or Service" is not used in the fundamental rules. Rules for the classification of services into all-India, provincial and subordinate have already been separately made under Section 96-B of the Act.

*Article 30.*—It seems unnecessary to define the term "Indian Civil Service," as its meaning is well known.

*Article 31.*—The existing definition of "lien" is of little practical use. It has accordingly been re-worded more simply in rule 9 (13), and the various provisions governing the retention of a lien, which are at present scattered through the Civil Service Regulations, have been brought together in rules 12, 13, and 14.

*Article 32.*—The term local allowance is not used in the fundamental rules. The allowances formerly classed as "local" have been divided into two classes, one of which has become pay and the other compensatory allowances.

*Article 33.*—The substance of this article has been reproduced in rule 9 (14).

*Article 34.*—This has been replaced by a new definition, which excludes Chief Commissioners from the local Governments to which full powers are given, but in other respects leave the definition in the Act to apply.

*Article 35.*—The portion of this article which is really of the nature of a definition has been reproduced in rule 9 (16).

The terms on which a military officer becomes subject to the civil leave rules have now been more properly shown in the leave chapter in rules 61 and 62.

*Article 36.*—This definition has been reproduced, with changes in wording tending to simplification, in rule 9 (17).

*Article 37.*—This definition has been omitted, as the term "Native of India" is not used in the fundamental rules except in the definition of Statutory Civil Servant, a class which will be extinct in a few years.

*Article 38.*—The definitions in this article have been replaced by definitions of "pay" and "substantive pay" in the fundamental rules, which do not use the word "salary". A number of additions to pay which have hitherto been classed as allowances are now included under pay, being in essence of the same nature as pay. Acting allowances, duty allowances, certain varieties of local allowances and personal allowances all come under this head.

*Clause (b)* of the article becomes unnecessary, in view of the new system of calculating leave-salary.

With the abolition of salary, the reproduction of *clause (c)* becomes unnecessary.

Of the rules under this article, rule 1 becomes unnecessary as personal allowances have under the fundamental rules become personal pay and as such are part of pay.

*Rule 2* also is unnecessary, as such allowances, which are now of the nature of duty allowances, will become a part of pay.

*Rule 3* becomes unnecessary, in view of the abolition of salary.

*Rules 4 and 5* are unnecessary. The allowances in question will become a part of pay under the new definition.

*Rule 6* has been omitted, since deputation (duty) allowances cease to exist and all other duty allowances become pay.

*Article 39.*—This article is replaced in the fundamental rules by the definition of "Presumptive pay of a post" in rule 9 (24). The use of this new term will greatly simplify many of the relevant rules.

Of the rules under this article, rules 1 and 2 have been omitted, as it is considered that they can more suitably be issued as an audit instruction.

*Rules 3 and 4* have been replaced by rule 33 and the notes under rules 31 and 32. When the conditions of these rules are not fulfilled, the pay of the officiating Government servant will follow the ordinary rules.

*Article 40.*—Of clause (a) of this article the only part requiring reproduction is that relating to the pay of a military officer and this has been reproduced in rule 9 (21) (b).

*Clause (b)* is unnecessary for the purposes of the fundamental rules, which do not speak of the "pay of an officer."

*Article 41.*—This definition is unnecessary and has therefore been omitted. The fundamental rules do not deal with pensions.

*Article 42.*—This definition has been omitted, as the term "Port Officer" is not used in the fundamental rules.

*Article 43.*—The substance of this article has been embodied in rule 9 (31). Time-scale also has been brought within the scope of the definition, the existing difference between a progressive rate of pay and a time-scale being a difference of degree only. The fundamental rules employ the term "time-scale" alone in this connection.

*Articles 44, 44-A, 44-B and 45.*—These definitions have been omitted, as the terms "public conveyance," "rate of exchange, etc.," "remuneration" and "rule or proportions" do not require definition in the fundamental rules.

*Article 46.*—This definition has been omitted. The term "staff salary" is used in connection with military officers only and in this connection it is defined in military regulations.

*Article 47.*—This definition has been repeated in fundamental rule 9 (26).

*Article 48.*—This has been omitted, as no definition of the term "Warrant Officer" seems necessary.

### CHAPTER III.

*Articles 49 and 50.*—The substance of these articles has been reproduced in rule 10 of the fundamental rules, with the modification that full power is given to local Governments in the matter of medical certificates.

*Article 51.*—The rules in this article have been left to local Governments to lay down, in so far as they are not covered by the rules of recruitment laid down in other rules made under Section 96-B of the Act.

#### *Article 52—*

*Clause (a).*—The main part of this clause has been reproduced in fundamental rule 17. The rule as to transfer before and after noon has been left for issue as an audit instruction.

*Clause (b).*—As the new rule governing the pay of officiating Government servants will permit an officiating Government servant to draw pay equal to the full pay of the post in which he officiates, this rule becomes unnecessary. The latter part of fundamental rule 31 provides for cases in which the pay of the officiator's substantive post exceeds that of the post in which he officiates.

*Clause (c).*—Provision for this has been made in the definition of duty in fundamental rule 9 (6) (b) (ii).

*Articles 53 to 59.*—These provisions are not of sufficient importance to justify inclusion in the fundamental rules. They have been left to be laid down by local Governments.

*Article 60.*—This article loses all its force, in view of the new rules regulating leave-salary. It has therefore been omitted.

*Article 61.*—This has been taken to the Pay Chapter of the fundamental rules, and appears as fundamental rule 37.

*Article 62.*—This becomes unnecessary, as duty allowance and one class of local allowance now become pay. Full powers with regard to compensatory allowances are left to local Governments.

*Article 63.*—This also has been omitted, in view of the re-organisation of the all-India services and the specific provision which has now been made for the pay and allowances of Indians serving in them.

*Articles 64 and 65.*—These have been omitted, and local Governments have been left full powers to make advances in India.

*Article 66.*—It seems unnecessary to lay this down as a fundamental rule. The Secretary of State, who gives the advances, will naturally prescribe the terms of recovery.

*Articles 67 and 68.*—These have been omitted as being rules of procedure. The important part of them will be covered by the regulations which the Governor-General in Council will make to cover the issue of moneys from treasuries.

*Article 68-A.*—Under the definition of duty in rule 9 (6) (b), a local Government can treat an officer undergoing a course of training or instruction as on duty; while fundamental rule 20\* authorises it to vary his pay and allowances in such a case. Nothing further seems to be necessary.

#### CHAPTER IV.

*Article 69.*—This article is out of place in the fundamental rules. The requisite provision has been made in the audit resolutions, which limit the pay of a post created by authorities in India.

*Article 70.*—Already cancelled.

*Article 71.*—

*Clause (a)* of this article has been taken into the general chapter of the fundamental rules and appears there as rule 11.

*Clause (b)* has been omitted. It really describes privileges of certain local bodies and not conditions of Government service.

*Clause (c)* has been provided for in rule 48.

*Article 72.*—

*Clauses (a) and (b).*—The substance of these clauses has been included in fundamental rule 46, with the omission of the administrative instructions which appear at the end of clause (a).

*Clauses (c) and (d)* will be covered by the general powers given to local Governments in rule 47.

*Clause (e)* is now unnecessary. A "recurring honorarium" has ceased to exist—*vide* the definition in rule 9 (9).

*Article 73.*—The substance of this has been included in rule 48.

*Article 74.*—The matter included in this article will be covered by the general rules which local Governments will make under rule 47.

*Articles 75 and 76* have already been cancelled.

*Article 76-A.*—This definition has been transferred to the definition chapter of the fundamental rules, where it appears as rule 9 (30).

*Articles 76-B and 76-C.*—Rules 39, 40 and 41 of the fundamental rules give power to local Governments to fix the pay of temporary posts on certain general principles, and lay down the rule that an officer appointed to a temporary post should draw the full pay of that post. This will do away with a number of existing anomalies and remove a constant source of hard cases.

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\* F. R. 20 (as it stood on 1st January 1922) has since been amended.



**Articles 77 to 81.**—Deputation inside India is not contemplated by the fundamental rules. It is considered that all cases in which such deputation is now made can properly be met by the creation of temporary posts.

**Article 82.**—The rule in this article is left to local Governments to prescribe, seeing that they will have full power in respect of travelling allowances.

**Article 83.**—There will be, at the most, one Lieutenant-Governor under the new constitutions, and it seems unnecessary therefore to retain these rules in the fundamental rules. The fixation of pay will be subject to the ordinary restrictions and to any special restrictions which the Secretary of State may impose.

**Article 84.**—The allowances contemplated by this article can be given as "special pay" or as part of the pay of temporary posts by the local Governments under their new powers, and they need not be specified here.

**Articles 85 and 85-A.**—These have been replaced by rules 50 and 51, which reproduce the latest orders of the Secretary of State.

## CHAPTER V.

**Article 86.**—Acting allowance has been abolished in the fundamental rules; under which an acting Government servant draws as pay the pay of the post in which he officiates, unless his pay is specially reduced by the local Government. The rules under this article are reproduced as rule 86 of the fundamental rules.

**Article 87.**—Substantive *pro tempore* appointments do not find a place in the fundamental rules. See note on articles 90 to 93 below.

**Article 88.**—Appointments to be "in charge" also are abolished. The cases in which they are now made can be met either by the grant of special pay or by reduction of the pay of an officiating Government servant under fundamental rule 85.

**Article 89.**—This has been replaced by fundamental rule 13,\* which provides, in addition, for a provisionally substantive appointment to a selection-grade.

**Articles 90 to 93.**—Substantive *pro tempore* appointments have been abolished. With the new conception of duty, and the grant to an officiating Government servant of the full pay of the post in which he acts, there is no longer any need for them.

**Articles 94 and 95.**—See the note on article 88 above.

**Articles 96 and 97** become unnecessary, in view of the new principle on which the pay of an officiating Government servant is calculated.

**Article 98** contains administrative instructions which should not find a place in the fundamental rules.

**Articles 99 to 103** have already been cancelled.

## CHAPTER VI.

**Articles 104 and 105.**—These special rules are unnecessary, in view of the new principles on which the pay of an officiating Government servant is to be calculated. These new principles will apply to the services contemplated by article 104, as well as to other services.

**Article 106.**—Appointments of the kind contemplated by this article will be regulated in future by rule 81.

**Article 107.**—This article becomes unnecessary, because the new rules would allow such a Government servant to draw the full pay of the post in which he acts, unless the local Government desires to reduce it under rule 85.

\* F. R. 13 (as it stood on 1st January 1922) has since been amended.

*Article 108.*—The corresponding rule in the fundamental rules is rule 48. In view of the undesirability of stereotyping in the fundamental rules the present rates of subsistence allowances, power to fix such allowances (or grants, as they are now called) has been left to the Secretary of State in Council.

*Article 109.*—As will appear from the following notes, it is unnecessary to retain special rules for military officers.

The note under this article is reproduced in fundamental rule 34.

*Article 110.*—This will be covered by fundamental rule 3.

*Articles 111 to 113.*—There appears to be no reason why the officers concerned should not draw the full consolidated pay of the posts in which they act, as in the case of other services.

*Articles 114 to 116.*—Here also the officers concerned may be allowed to draw the full pay, plus staff salary, of the posts in which they act.

*Articles 117 and 118.*—Here too no special rules seem to be necessary for the classes of Government servants concerned.

*Clause (b)* of article 117 actually contains the general rule adopted in the fundamental rules.

*Article 119.*—

*Clause (a)* of this article merely forbids grade to grade promotion, and is therefore consistent with the fundamental rules.

*Clause (b)* will follow from rule 31, read with the definition of presumptive pay of a post.

*Article 120.*—These officers may follow the ordinary rule, and receive the full pay of the class or post in which they officiate.

*Article 121.*—When a Government servant without a substantive post officiates in a post, he may be allowed to draw its pay, subject to such reductions as the Governor-General in Council or the local Government may wish to make.

*Article 122.*—An officer so acting will under the general rule draw the presumptive pay of the post in which he officiates, which means the pay which he himself would draw if he held it substantively. Nothing further seems necessary.

*Article 123.*—It is unnecessary to reproduce this article in the fundamental rules. Under rule 31, the Government servant concerned will draw the presumptive pay of the post, which rule 9 (24) defines as the pay which he would draw if he held the post substantively. *Ex hypothesi*, he could be appointed to hold it substantively on the pay prescribed for the provincial service only. Therefore the article merely states exactly what the fundamental rules state.

*Article 124.*—Local Governments can regulate such matters under the powers conferred by fundamental rule 35. This may be left to them.

*Article 125* has already been cancelled.

*Article 126.*—Charge allowance has been abolished, and this article is accordingly omitted.

*Articles 127 to 132* have already been cancelled.

*Article 133.*—It is understood that no officer covered by the rule in clause (a) of this article is still in the service. This article has therefore been omitted.

*Articles 134 to 137.*—The principles laid down in articles 135 and 136 are practically identical with those adopted in the new rules for all-India services generally. For the rest, the Forest Department as a whole may properly come under the new rules.

*Article 138.*—It seems unnecessary to reproduce this article in the Civil Service Regulations. Of the specific officers which it mentions :—

- (i) The pay of officiating Lieutenant-Governors will be governed by the ordinary rule 31.

- (ii) The pay of temporary members of council is fixed by the Government of India Act itself.
- (iii) The acting allowance of Judges of High Courts is prescribed in rules made under section 104 of the Act.
- (iv) So far as ecclesiastical officers are concerned, the acting allowances of bishops are shortly to be fixed by rules made under another section of the Act; and the only special allowances for chaplains generally are allowances for holding archdeacons' posts. These can be prescribed by local Governments, under such guidance as the Governor General in Council, in connection with this central subject, chooses to give.
- (v) The acting allowance of law officers is stated in the present article 654 to be similar to that of members of the Indian Civil Service. They can therefore, like the Indian Civil Service, come under the general rule laid down in the fundamental rules.

*Articles 139 and 139-A.*—Local Governments can be left to fix these rates under the powers given to them by the fundamental rules.

*Article 140.*—This also may be left to local Governments. The latter part of the article contains the main principle of the fundamental rules—that no acting appointment should be made without change of duties.

*Article 141.*—The cases for which this article provides will be met by the application of rule 31.

*Article 142.*—This article does not need reproduction, as the concession given by it is identical with the new general rule governing the pay of acting Government servants.

The allowances specified in the notes under the article can be given by local Governments under their new powers.

*Articles 142-A, 143 and 143-A.*—It may be left to local Governments to fix rates of acting pay under the new rules in cases of the kind contemplated by these articles.

*Article 144.*—This also can be left to local Governments, which already have power in such cases to give to the acting Government servants the full pay of the posts in which they act.

*Articles 145 and 146* have already been cancelled.

*Articles 147 and 148.*—It is considered that these cases also may be left to the operation of the new rules. It has been decided not to retain, in the case of absentees on less than Rs. 100, the condition that no extra expense should be caused to Government. If local Governments desire to enforce this, they can always reduce the pay of the acting Government servant under fundamental rule 35.

## CHAPTER VII.

*Article 149.*—It seems unnecessary to retain this article in the fundamental rules. The fixation of suitable rates of time-scale pay can properly be left to the authorities empowered to fix pay.

*Article 150.*—This article has been omitted. It is merely a guide to the calculation of the average cost of a post on a time-scale pay and it may be issued as an audit instruction.

*Article 151.*—This makes a statement which is obviously untrue and it seems unnecessary either to reproduce or re-word it in the fundamental rules.

*Article 152.*—The substance of this article has been reproduced in fundamental rule 24, full powers of delegation being left to local Governments.

*Article 153.*—

*Clause (a)* of this article is an administrative instruction and has therefore been omitted.

The substance of *clause (b)* is reproduced in fundamental rule 27.

*Article 154.*—The substance of this article has been reproduced with a modification in the direction of liberality, in rule 29 of the fundamental rules.

*Article 155.*—This article is replaced by fundamental rule 32. A simple rule has been evolved to take the place of the present complicated provisions, and it is hoped that it will obviate the anomalies which now arise.

*Articles 156 to 157-A.*—These have been re-worded in rule 22 of the fundamental rules, with some change of substance making for simplicity and the removal of present anomalies.

*Article 157-B—*

*Clause (a)* of this article states a fact which should be sufficiently obvious without inclusion in the fundamental rules.

*Clause (b)* has been reproduced in rule 28.

*Article 158* has been reproduced in rule 23.

*Article 159.*—The substance of this article appears in rule 26. The note under it becomes unnecessary, in view of the new treatment of lien.

*Article 160.*—It seems unnecessary to state specifically the fact recorded in this article.

*Article 160-A.*—The period in question will be duty, if the local Government so declares, and will necessarily count for increment.

*Article 160-B—*

The concession given by *clause (a)* of this article has been withdrawn. An audit instruction may, if necessary, state that it is still in force for present incumbents.

*Clause (b)* has not been reproduced in the fundamental rules.

## CHAPTER VIII.

*Article 161.*—This article has been omitted as unnecessary. If two posts can be combined as a permanent measure, the proper course is to abolish one of them and combine their duties in the other.

*Article 162.*—*Clauses (i) and (ii)* of this article have been reproduced, with a slight change in wording, in rule 49 (*a*) and (*b*). The proviso in clause (*iii*) of the article has been omitted. Under rule 35, a local Government may give any officiating Government servant less than the full pay admissible under rule, and that seems sufficient. Under the article as it stands, local Governments can even now dispense with the proviso.

*Article 162-A.*—This has been omitted, as it appears to constitute an unnecessary restriction on the powers of local Governments. When additional work is involved, there seems to be no reason why the local Government should not be permitted to give increased pay, even if the two posts are in the same office.

*Article 163* will be covered by the power of local Governments to give an acting officer any pay up to the full pay of the post in which he acts, and by rule 49 (*b*) of the fundamental rules.

*Article 164.*—The gist of this is reproduced in clause (*c*) of rule 49. Reference to duty allowance is omitted, as such an allowance attached to a specific post will in future be part of pay.

*Articles 165 to 169-A* have been omitted, in view of the abolition of charge allowances. See note on article 88 above

*Articles 170 to 172-A* have been omitted. The allowances with which they deal with in future, be treated as "special pay" sanctioned by the Secretary of State.

*Articles 172-B and 173* will be covered by the powers of a local Government to give an acting officer any pay up to the full pay of the post in which he acts.

*Article 174.*—See note on articles 170 to 172-A.

*Article 174-A* has been omitted, as the distinction between acting, charge and duty allowances has really been abolished; all becoming part of pay.

## CHAPTER IX.

(The references in this chapter are to the revised articles which have recently been published.)

### *Article 175—*

A short definition has been taken to the definition chapter of the fundamental rules and appears as fundamental rule 9 (10).

Joining time on change of appointment and return from long leave is included in *clauses (a), (b) and (c)* of fundamental rule 105.

The provision for appointment after unemployment is omitted in the fundamental rules, as unemployment is now rarely, if ever, seen.

Minimum joining time is left under the fundamental rules for local Governments to fix.

The fact that a Government servant is on duty while on joining time has been taken to rules 9 (6) (a) and 107, which allow all joining time to reckon as duty.

*Articles 176 to 178.*—The details for which these articles provide have been left to local Governments to regulate by rule under fundamental rule 106.

*Article 179.*—This is purely an audit instruction which should not find a place in the fundamental rules.

*Articles 180 and 181.*—Such details have been left to local Governments to regulate by rule under fundamental rule 106.

*Article 182.*—Privilege and examination leave cease to exist under the fundamental rules. Joining time after short leave is covered by fundamental rule 105 (b) (i).

*Articles 183 and 184.*—Both these will be covered by the rule-making powers of local Governments.

### *Article 185—*

This has been re-written in rule 107 on a simpler principle. No reference is made in the rule to lien on an officiating appointment, which has ceased to exist, or to local or tentage allowance, with regard to which local Governments will have full powers.

The note under this article has been omitted, as it is thought that the concession which it makes may properly be included in the officer's conditions of employment.

*Article 186.*—This has been replaced by rule 107 (b) (ii). Examination leave has now ceased to exist and privilege leave is replaced by leave on average pay. The pay on joining time of a Government servant returning from such leave will be his average pay for the past twelve months, and he will not lose unless that pay is less than the pay of both his old and his new post.

*Article 187.*—This is not really connected with joining time. It has been taken to its proper place in rule 42, which deals with subsistence grants, and has been extended to all Government servants recruited in the United Kingdom.

*Article 188.*—It is intended to allow cases of the kind contemplated by this article to be covered by the general rule 107 (a). Local Governments already have power to sanction in such cases the rates of pay given by that clause.

*Article 189.*—The substance of this article appears in rule 108, with the omission of the reference to loss of lien. This penalty is very severe and it is believed to be never enforced at present. The fundamental rules do not contemplate loss of lien, though lien may be transferred as a punishment.

*Article 190.*—This has been repeated as note 2 under fundamental rule 107.

*Article 190-A—*

*Clause (a)* has been omitted, in view of the provisions of fundamental rule 72, which definitely forbids return from leave more than fourteen days before its expiry.

*Clauses (b) and (c)* are covered by rules 105 (d) and 106.

*Article 190-B—*

*Clause (a)* is repeated in rule 107 (b) (ii) with one change. The last sentence of the existing clause lays down that a Government servant returning from leave on average salary will get during joining time half average salary only. The reason for making this provision was that under new article 316-A (b) leave on average salary is now treated for all purposes, except those of article 408, as equivalent to twice the amount of furlough on half average salary. It was therefore considered right that he should draw on joining time, when returning from such leave, half average salary only. With the change in the leave rules by which all leave will in future be calculated in terms of leave on average pay, this interpretation is no longer justified, and there seems to be no reason why an officer returning from leave on average pay should not get average pay during his joining time. The new rule has been drafted accordingly.

*Clause (b)* is reproduced in rule 107 (b) (i).

## CHAPTER X.

*Article 191.*—The substance of this article has been reproduced in rule 53.

*Article 192.*—The necessary portion of this article has been reproduced in rule 52.

*Article 193—*

*Clause (a)* is taken into rule 53 (b), the amount of subsistence grant allowable being laid down in rule 43 (b). It seems unnecessary to repeat the reference to rations, which can be issued as an administrative order.

*Clause (b)* is reproduced in rule 54.

*Clause (c)* and the rule under it have been omitted. The former is an administrative instruction, and the latter is an unnecessary gloss on clause (a).

*Article 193-A.*—The general rule as drafted will apply to temporary as well as to permanent *employees*. The administrative instructions contained in this article need not be reproduced in the fundamental rules.

*Article 194.*—This article has not been reproduced in the fundamental rules. It may properly be left to the local Government concerned to suspend an officer in circumstances of this kind.

*Article 195.*—This is reproduced in rule 55, with the omission of the last sentence. It is considered unnecessary to require a reference to the Secretary of State in a case of this kind.

## CHAPTER XI.

(NOTE.—The reference to chapters and articles of the leave rules in the Civil Service Regulations are to the new chapters and articles as recently amended.)

*Article 196—*

The special exceptions made by this article are treated as follows in the fundamental rules:—

*Clause (a)* is covered by fundamental rules 94 (a) and 96.

*Clause (b)* is covered by fundamental rule 94 (b).

*Clause (c)* is covered by fundamental rule 98.

As to *clause (d)*, see note on article 566.

*Clause (e)* is replaced by fundamental rules 94 (c) and 95.

*Clause (f)* is replaced by fundamental rule 100.

As to *clause (i)*, see note on articles 661—666.

*Clause (h)* is covered by fundamental rule 99.

As to *clause (i)*, see note on articles 661—666.

As to *clause (j)*, see note on articles 670 to 677.

*Clauses (k) to (n)* contain special rules relating to certain subordinate Police establishments. If the local Governments desire to retain any of these, they can issue them as special rules under fundamental rule 2.

*Clause (o)* is covered by fundamental rule 104 (a) (i).

The rule under the article is replaced by rule 104 (a) (ii) (2).

The note under the article provides for such exceptional circumstances that local Governments may fairly be left to apply for special sanction in cases covered by it.

Article 197—

*Clause (a)* is repeated in fundamental rule 67.

*Clause (b)* as altered and *clause (c)* contain administrative instructions only and are therefore not repeated in the fundamental rules.

Article 198.—This has been repeated in fundamental rule 18.\* with the omission of the reference to the powers of the Secretary of State in Council, which do not require statement in the fundamental rules.

Article 199—

*Clause (a)* becomes unnecessary in view of the removal of restrictions prescribing intervals between periods of leave.

*Clauses (b) and (c)* are repeated in fundamental rule 70, with the omission of reference to travelling allowance, which will be inserted in rules made under fundamental rule 44.

Note 1 under the Article is included in the main portion of fundamental rule 70.

Note 2 has been omitted in view of the omission of *clause (a)*.

Article 200.—The substance of this has been repeated in fundamental rule 69, with the change that the permission of the authority empowered to appoint the officer in question has now been made sufficient sanction in the case of gazetted as well as non-gazetted officers.

Article 200-A.—This has been omitted and all service on deputation out of India has been left to count as duty.

Article 201.—Fundamental rule 103 gives local Governments power to frame rules regulating the leave earned by temporary and officiating service. Nothing more seems necessary.

Article 202—

*Clause (a)* will be replaced by rules made by local Governments under fundamental rule 104 (b). Rule 1 under it, with its note, is covered by fundamental rule 104 (a).

Note 2 is an administrative instruction and has therefore been omitted.

Note 3 also has been omitted, as the appendix to which it refers, if maintained at all, will be maintained for audit convenience and not as a part of the fundamental rules.

*Clauses (b) and (c)* of this article have been omitted. Local Governments will regulate such matters under the rule-making powers conferred on them by rule 104 (b).

Article 203.—The powers left to local Governments under fundamental rule 104 (b) will enable them to issue rules providing for the cases contemplated by this article.

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\* F. R. 18 (as it stood on 1st January 1922) has since been amended.

*Article 203-A.*—This will be covered by the powers given to local Governments by fundamental rule 9 (6) (b) of counting as duty service of the kind with which the article deals.

*Article 204.*—The first part of this article has been repeated in fundamental rule 64. The second part of it has been included in fundamental rule 77 (d).

*Article 205* has been reproduced in fundamental rule 65.

*Articles 206 and 207.*—It is considered unnecessary to retain these special rules. If ever an outsider is brought in as a private secretary, the rules can be made as part of the conditions of his appointment.

*Article 208.*—The provisions of this article are covered by fundamental rule 103, which gives local Governments full powers as regards work remunerated by fees.

*Article 209.*—This also has been omitted. If a case of the kind contemplated occurs, it can be met by special provisions in the terms of the appointment. Rule 130 gives a local Government discretion in such a case.

*Article 210.*—Fundamental rule 14 provides for the retention of a lien on a substantive post. Liens on officiating appointments have ceased to exist.

*Articles 211 and 212.*—Fundamental rule 14 allows a lien on a substantive post to all officers on leave of any kind. This is an essential part of the new conception of lien.

*Article 213.*—The same is the case with lien on joining time.

*Article 214.*—The fact stated in the first part of the article follows naturally from fundamental rule 14. The latter part of the article has been transferred to the general chapter and appears as fundamental rule 15.

*Article 215.*—Fundamental rule 59 lays down that the ordinary rules apply to those officers only who hold substantively permanent posts. The regulation of leave to be given to officers holding temporary posts or officiating in permanent posts is left by fundamental rule 103 to local Governments.

*Note 1* under the article is covered by fundamental rule 61 (a) (i).

*Note 2* will follow from the ordinary rules if the officers in question are held to be in civil employ.

*Articles 216 to 219.*—These have been omitted as containing rules of procedure only, which should be included in the supplementary rules made under fundamental rule 74.

*Articles 220 and 221.*—The relevant part of these articles is contained in fundamental rule 68. Powers have been given to local Governments to make rules covering the minor details in the articles.

*Article 221-A.*—This is covered by the powers given to local Governments by fundamental rules 105 (d) and 106.

*Article 222* has been omitted as containing a rule of procedure only. It will be covered by the rules made under fundamental rule 74.

*Article 223.*—*Clause (a)* has been reproduced in fundamental rule 72. *Clause (b)* can be met by executive or disciplinary action of the local Government.

*Article 224* should be included in the rules made under fundamental rule 74.

*Article 225* is covered by fundamental rule 71.

*Article 226.*—This is an administrative instruction and need not appear in the fundamental rules. It will be included in rules made under 74.

*Article 227.*—The substance of this article has been repeated in the joining time chapter of the fundamental rules as rule 105 (b) (ii).

*Article 228.*—This has been omitted as containing a rule of procedure only. It may be laid down by local Governments under fundamental rule 74.

*Rule 229.*—Provision has been made in fundamental rule 73 for the loss of leave salary. The same rule makes provision for transfer of lien. Under the



present rules loss of lien is too severe a penalty and is never enforced; while the fundamental rules do not contemplate complete loss of lien.

*Note 1* under the article becomes unnecessary, as past service cannot now be forfeited.

*Note 2* is covered by the power of extending leave given to Local Governments by fundamental rule 73. This is a logical accompaniment of their power of granting leave.

*Article 230.*—This has been omitted as unnecessary in view of the abolition of "loss of appointment."

*Article 231.*—This has been omitted, as continuous service and continuous active service have no meaning under the fundamental rules.

*Article 232.*—*Rules 83 (b) (iv) and 85 (b)* provide for the combination with ordinary leave of special disability leave and extraordinary leave respectively. With the abolition of other varieties of leave, the provision in this article relating to combination of leave becomes unnecessary. Fundamental rule 87 allows an officer to elect whether his leave will be on average or half average pay; fundamental rule 73 provides for extension of leave; and rule 85 (b) allows retrospective commutation of leave without allowances into extraordinary leave.

*Rule 1* under the article becomes unnecessary, as the rules as they stand do not permit the commutation of extraordinary leave into other leave, while rule 85 (b) allows its combination with ordinary leave. The relevant part of rule 2 appears in fundamental rule 100 (c).\*

*Article 233.*—*Clause (a)* is replaced by fundamental rule 81 (d).

*Clause (b)* is repeated in fundamental rule 100 (b).

*Article 234.*—This has been reproduced, in a simplified form, in fundamental rule 86.

*Articles 235 to 240* have already been cancelled.

## CHAPTER XI.

*Article 241.*—See the note on article 196. The rule under this article can be met by issuing it as a special rule under fundamental rule 2.

*Article 242.*—The subject matter of this article will be covered by the rules which Local Governments will frame under fundamental rule 103 (a).

*Article 243.*—This restriction may be imposed by Local Governments, if they think it desirable, in rules which they will frame under fundamental rule 103 (b).

*Article 244.*—This can be covered by a rule under fundamental rule 103 (a).

*Article 245.*—This has been omitted, in view of the fact that no pilot vessel now remains at sea for more than a month.

*Article 246.*—Privilege leave as such has been abolished and its place is taken by leave on average pay, while the concession of full salary on such leave has been replaced by the grant of full average pay for the first four months of each period of leave on average pay. The new rules as to the earning of leave provide for the earning of one month's leave on average pay for each 11 months of service.

*Article 247.*—This becomes unnecessary under the new rules and has therefore been omitted.

*Article 248.*—It is unnecessary to state the substance of this article in the fundamental rules. It is clear that a newly-appointed Government servant does not perform duty until he takes charge of his office.

*Article 249.*—Under the fundamental rule subsidiary leave has been replaced by joining time, and all joining time counts as duty. This renders unnecessary the first part of the article. The second part has been omitted because in present circumstances unemployment practically never occurs.

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\* *F. R. 100* (as it stood on 1st January 1922) has since been amended.

*Article 250.*—The fundamental rules lay down (rule 61) that a military officer officiating in civil employ does not become subject to the civil leave rules until he has acted for three years. Provision for the privilege leave of an officer who has acted for less than three years, and therefore remains subject to military leave rules, is made in fundamental rule 100 (a) (i),\* which repeats the substance of clause (b) of this article.

*Article 251.*—The limit imposed by the substantive part of this article was included in the calculation the result of which appears in fundamental rule 81 (b); with the modification that the right of accumulating privilege leave up to four months has, in accordance with recent orders of the Secretary of State, been extended to Government servants under the ordinary leave rules.

As regards the exception, it is considered that any such special rule is unnecessary in the fundamental rules. Those rules give officers the full choice of drawing average pay or half average pay on leave. Cases of real hardship can be met by Local Governments by the grant of joining time under fundamental rule 106 read with 105 (d).

*Article 252.*—Interruption of duty ceases to exist under the fundamental rules, and fundamental rule 80 in effect defines leave due as leave earned minus leave taken.

*Article 253.*—Interruption of duty now produces no effect upon accumulated leave and this article has therefore been omitted.

*Article 254.*—Examination leave has ceased to exist and, unless joining time is extended, absence after the close of joining time will anyhow not count as duty. This article therefore becomes unnecessary and has been omitted.

*Article 255.*—Examination leave will not in future exist, but the period spent in preparing for and undergoing an examination may, under rule 9 (b), be classed by Local Governments as duty. Nothing further is necessary.

*Article 256.*—Interruption of duty means nothing under the fundamental rules and this article has therefore been omitted.

*Articles 257 and 258.*—The time spent under suspension is clearly not duty under the definition in rule 9 (6). Interruption of duty has no meaning under the fundamental rules. These articles have therefore been omitted.

*Article 259.*—This has been omitted since under the new definition, no leave amounts to duty, while interruption of duty means nothing.

*Article 260.*—The grant of all kinds of leave is now covered by fundamental rule 81 and special provision for the grant of privilege leave is unnecessary. This article has therefore been omitted.

*Article 261.*—During that portion of leave which will, under the fundamental rules, take the place of privilege leave, a Government servant will get his average pay during the past 12 months only, instead of the pay which he was actually earning at the time of taking leave. This may occasionally mean some loss to the Government servant, but the loss will be more than compensated by the gain which will accrue to him from the calculation of "furlough allowances" also on one year's average instead of three.

*Article 262* has already been cancelled.

*Article 263.*—This article is unnecessary in the fundamental rules, as the amount of a Government servant's leave-salary will no longer depend on the post on which he has a lien. It is an essential feature of the fundamental rules that every person who has once been substantively appointed to a permanent post shall, unless his lien is suspended while he is transferred to other duty, retain a lien throughout his service on some substantive post.

*Article 264* has already been cancelled.

*Article 265.*—This also has been omitted, as under the fundamental rules the amount of leave-salary will not depend upon lien.

*Article 266.*—This has been omitted in view of the fact that in future all leave-salary will be calculated upon past average pay.

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\* *F. R. 100* (as it stood on 1st January 1922) has since been amended.

*Articles 267 and 268.*—Fundamental rule 93 leaves it to Local Governments, subject to certain restrictions, to regulate the drawing of local allowances during that part of leave which will in future take the place of privilege leave.

*Articles 269 and 270* have already been cancelled.

*Article 271.*—This is covered by the general rule in fundamental rule 82.

The note under the article can be laid down by Local Governments under the powers conferred upon them by that rule.

*Article 272.*—This is covered by fundamental rule 82 (b).

*Article 273.*—This is covered by the power given to Local Governments in fundamental rule 82 (a) to make rules prescribing when a Government servant may be considered to have availed himself of a vacation.

*Article 274.*—This also is covered by rule 82 (b).

*Article 275.*—This is covered by the provision for credit of leave to a Government servant's account which appears in fundamental rule 77. Any amount once credited will remain at his credit even after his transfer to a vacation department.

*Article 276.*—This also will be covered by the ordinary rules as now drafted.

*Article 276-A.*—This has been omitted, as interruption of duty is now meaningless.

*Article 277.*—Local Governments will be able to provide for the rule in this article by the use of their rule-making powers under fundamental rule 82 (a).

*Article 278.*—This is covered by the general provision of fundamental rule 82.

*Articles 279 to 286.*—No provision for examination leave is made in the fundamental rules. Local Governments can allow it to count as duty under fundamental rule 9 (6) (b), reducing emoluments under fundamental rule 20 if necessary.

*Articles 287 to 294.*—Rules regarding hospital leave and maternity leave can be made by Local Governments and the Governor-General in Council under the powers conferred by fundamental rule 101.

*Articles 295 and 296.*—The Governor-General in Council will make special rules under fundamental rule 2 to cover the provisions of these articles.

## CHAPTER XII-A.

*Article 297.*—It is unnecessary to repeat in the fundamental rules the provisions of this article. The new rules apply to all Government servants, except where it is specially stated that they do not apply.

*Article 298* has already been cancelled.

*Article 299* has been omitted.

*Clause (a)* provides for procedure only and will be covered by rules made by the Auditor General and the Local Governments under fundamental rule 74.

*Clause (b)* defines a power of the Secretary of State, which does not require stating in the fundamental rules.

*Clause (c).* The fundamental rules contemplate that an authority which has power to grant leave can always extend it, retrospectively or otherwise.

*Article 300* has been omitted, as it deals with procedure only and will be covered by rules made under fundamental rule 74.

*Article 301.*—The limits upon the total amount of leave have been reproduced in fundamental rule 81 (d).

*Article 302.*—Provision is made in fundamental rule 81 (c) for leave not due, and that provision includes the substance of articles 301 (b) and 302. The apparent reduction in the limit is due to the expression of leave in the

fundamental rules in terms of leave on average pay. The second part of article 302 is re-worded in fundamental rule 81 (e).

*Article 303.*—This has been omitted, as it contains administrative instructions only.

*Article 304.*—This has been omitted, as it is thought to be unnecessary to provide specifically for extension of leave. The authority which has power to grant leave naturally has power to extend it, subject to the usual limits.

*Article 305* has already been cancelled.

*Article 306.*—Fundamental rule 85 provides for the grant of extraordinary leave.

*Proviso (i)* under the article appears in fundamental rule 85 (a).

*Proviso (ii)* has been omitted, as the fundamental rules do not contemplate any cases where no lien is retained.

The provision laid down in clause (b) is implied by the new rule.

*Rule 1* under the article has been omitted, as it is now considered unnecessary to allow extraordinary leave to be given when other leave is admissible.

*Article 307.*—The relevant portion of this article has been repeated in fundamental rule 85 (c).

*Articles 308 and 309.*—Casual leave is even now “not subject to any rule”, and it is considered that its grant and the conditions thereof may properly be left to Local Governments.

### CHAPTER XIII.

*Article 310.*—The rules for admission to the benefit of the special leave rules are at present under revision, which is unlikely to be completed before the fundamental rules are issued. Fundamental rule 75\* has therefore been so drafted as to give the Secretary of State in Council power to make the rules.

*Article 311.*—This article also will be covered by the rules which the Secretary of State may draft. It could not be applied to the new rules as they stand, otherwise a military officer in civil employ, if he reverted substantively to military employ, would retain the privileges of the civil leave rules.

*Article 312.*—The maximum amounts prescribed in this article are replaced by the new periods given in fundamental rule 81. In calculating these rates, the maximum period of furlough is taken as six years in the case of all Government servants subject to the special leave rules. The extra six months given by Article 312 to members of the Indian Civil Service and military officers subject to the civil leave rules represent the six months of special leave with allowances which could be granted to such officers before revised article 312 came into force. Provision for this leave is now made in note 2 (ii) under fundamental rule 78, which treats it entirely independently of the leave account.

The total of six years, when expressed in terms of leave on average pay, becomes 3 years in fundamental rules 81 (a) (i).

*Article 313.*—In the fundamental rules the amount of furlough earned is not prescribed separately. All leave, expressed in terms of leave on average pay, is shown, together in rule 77. The fraction of  $\frac{5}{22}$ nds of the period spent on duty there adopted is calculated as follows:—

By 11 months of what will in future be called “duty”, an officer subject to the special leave rules now earns one month of privilege leave, and by 12 months’ active service (including privilege leave)

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\* F. R. 75 (as it stood on 1st January 1922) has since been replaced by revised F. R. 75, and F. Rs. 75A, 75B and 75C and the Schedule (inserted after F. R. 130).

he earns three months' furlough, which is equivalent to  $1\frac{1}{2}$  months in terms of leave on average pay. By a period of duty of 11 months, he thus earns at present  $2\frac{1}{2}$  months' leave expressed in terms of leave on average pay.  $\frac{2\frac{1}{2}}{11} = \frac{5}{22}$ , the figure adopted in the fundamental rules.

*Article 314—*

*Clause (i).*—The first part of this rule has been replaced by fundamental rule 77 (c), which allows a military officer to credit to his account, as leave corresponding to furlough one-eighth of the period spent on duty or on privilege leave since the commencement of his service in India.

The latter part of clause (i) and the rule under it have been taken to fundamental rule 61.

The note under clause (i) is omitted, as it provides for audit procedure only.

*Clause (ii).*—This clause and note 2 under it are replaced by fundamental rules 77 (e) and 79, and the provisions of note 1 under the clause may be laid down in the rules to be framed by the Secretary of State in Council under rule 75.

*Article 315.*—This is replaced by the simple rule in fundamental rule 80. The note appears as note (2) (ii) under fundamental rule 78.

*Article 316.*—The main provisions are replaced by those of rules 89 and 90, which reproduce the same *maxima* and *minima*, being the *maxima* and *minima* recently prescribed by the Secretary of State. The substance of clause (b) under the article is reproduced in note 2 under rule 90. The note under clause (b) becomes note 3 under fundamental rule 90. The proviso has been omitted in view of the fact that leave-salary is now calculated on average pay for twelve months only. It is considered that a Government servant should not, in the changed circumstances, be penalised if he reverts to a lower rate of pay shortly before going on leave.

*Article 316-A.*—Practically all the provisions of this article find a place in the fundamental rules. Thus:—

*Clause (a).* The limit of one year appears in rule 81 (b) (i); 1-11th of the period spent on duty, which is mentioned in that rule, representing the existing limit of privilege leave.

*Clause (b)* asserts the general principle of the fundamental rules, though the latter state all leave in terms of leave on average pay instead of stating furlough in terms of leave on half average salary.

*Clause (c).* The limit of eight months is reproduced in fundamental rule 81 (b) (i).

*Clause (d)* has been omitted, as being an administrative instruction.

*Clause (e)* is reproduced in fundamental rules 89, 90, 91 and 92, with the exception that, in view of the frequently arising necessity of changing the standard of conversion the rate of exchange is left to be fixed by the Secretary of State in Council.

*Clause (f).* The limit of eight months appears in fundamental rule 81 (b) (i).

*Clause (g).* The principle laid down in this clause is an essential feature of the new rules, though combination of leave, as such, ceases to exist.

*Article 317.*—The substance of this article is reproduced in fundamental rule 88. It is considered unnecessary to give the Governor-General in Council the power conferred by the note under the article.

*Article 318* has already been cancelled.

*Article 319.*—The *minima*, which are those recently sanctioned by the Secretary of State, have been incorporated in fundamental rule 90. The

only change made is the omission of the limitation to  $\frac{2}{3}$ ths and  $\frac{1}{3}$ ths of the salary last drawn on duty. Such a limitation seems to be no longer justified, seeing that leave-salary is calculated on the average pay for the past twelve months only. It is considered that a Government servant should not, in the changed circumstances, be penalised if he reverts to a lower rate of pay shortly before going on leave.

#### CHAPTER XIV.

##### *Article 320—*

*Clause (a)* and the note under *clause (b)* will be replaced by the rules which the Secretary of State will ultimately make governing admission to the privileges of the special leave rules.

*Clause (b)* will be left to local Governments to regulate by rule under fundamental rule 103.

*Article 321.*—This has been omitted; as it is considered that restrictions of this kind should be left to local Governments to impose by rule if they desire to do so.

*Article 322.*—The limit laid down in fundamental rule 81 (a) (ii) takes into account five years of furlough.

*Article 323.*—The fraction of  $\frac{2}{11}$ ths in fundamental rule 77 (a) (ii) takes into account the  $\frac{1}{3}$ th of active service now earned as furlough.

*Article 324* is covered by fundamental rule 80.

##### *Article 325—*

*Clause (a)* is replaced by fundamental rule 88.

\**Clause (b)* has been reproduced in the note under fundamental rule 87.

*Article 326.*—The *mazima* shown in this article are repeated in fundamental rule 89.

*Article 327.*—The substance of this article is reproduced in fundamental rule 90. The limitation of the amount of leave-salary has been omitted for the reason given in the note on article 318.

*Articles 328 to 348* have already been cancelled.

#### CHAPTERS XV TO XXI.

*Articles 348-A to 531.*—These articles contain the general pension rules and they have therefore not been included in the fundamental rules. It may be mentioned, however, that the general principle underlying article 355 of the Civil Service Regulations has been definitely stated in the fundamental rules in rule 12; and that the main provisions of article 459 have been reproduced in fundamental rule 56.

#### CHAPTER XXII.

*Article 532.*—The main article itself contains an extract from the Government of India Act, which does not require repetition in the fundamental rules made under the Act.

*Note 1* under the article need not appear in the fundamental rules. It is unlikely that a pensioned officer will be appointed to the executive council of a Lieutenant-Governor. If ever any such appointment is made, the necessary provision can be made as part of the terms of the appointment.

*Note 2* under the article may be issued as an audit instruction.

*Note 3* deals with procedure only and has therefore been omitted.

\* The note under *F. R. 87* (as it stood on 1st January 1922) has since been cancelled.

*Article 533* has already been cancelled.

*Article 534.*—The substance of this article has been reproduced in fundamental rule 96.

*Note 1* under the article has not been reproduced. Continuous service and interruption of leave have both ceased to exist, and it is considered that it is unnecessary to provide that service as a Lieutenant-Governor does not qualify for leave. If a Lieutenant-Governor either reverts to some post in the ordinary line or wishes to take leave preliminary to retirement after vacating his office, he will be entitled to take such leave, though not on the average salary of a Lieutenant-Governor, as is shown in the note on note 2 under this article below. In the unlikely event of his having already exhausted all the leave which he had earned prior to his appointment as Lieutenant-Governor, there seems to be nothing improper in allowing him to count his service as Lieutenant-Governor towards leave.

*Note 2* under the article, as well as note 2 under article 537, is replaced by fundamental rule 97. The new rule omits the existing concession of subsidiary leave on half average salary preliminary to retirement. This is unavoidable in view of the abolition of subsidiary leave, which has already been made in connection with the simplification of the leave rules. This loss is, however, not a serious one to the officers concerned. The retiring member will now be able to take leave on full average pay as in the last part of the new rule, and this will rarely be less than half his pay as member. On the other hand, he now gets the great concession of at least six months of leave preliminary to retirement, in place of a few days' subsidiary leave. The limit of Rs. 4,000 reproduces in effect the provisions of the existing notes. The concession has been extended to Governors also, in view of the fact that several of the first Governors under the new constitution are members of the Indian Civil Service.

*Note 3* under the article is covered by fundamental rule 71.

*Article 535.*—This article has been omitted and the pay of an officiating Lieutenant-Governor has been left to be regulated by the ordinary rule.

*Article 536.*—The substance of this article is reproduced in fundamental rule 57.

*Article 537.*—The substantive portion of this article is an extract from the Act and is therefore not reproduced in the fundamental rules.

*Note 1* under the article. See note on article 534, note 1, above. It is proposed to treat a member of council in the same way as a Lieutenant-Governor.

*Note 2* under the article is covered by fundamental rule 97 and note 3 by fundamental rule 71.

*Article 538* can be issued as an audit instruction.

*Article 539* contains an extract from the Act and is therefore not reproduced in rules made under the Act.

*Articles 540 and 541* have been omitted, as they can be issued as audit instructions.

*Article 542.*—This has been repeated, with the necessary changes in wording, in fundamental rule 38.

*Articles 542-A, 542-B and 542-C* deal with pensions and are therefore not included in the fundamental rules.

## CHAPTER XXIII.

*Article 543.*—The whole of this article consists of a repetition of rules made under other sections of the Act. It has therefore not been included in the fundamental rules.

*Articles 544 and 545.*—The substance of these articles has been reproduced in fundamental rule 64.

## CHAPTER XXIV.

*Articles 546 to 548.*—These have been reproduced in fundamental rule 98,\* with the omission of the requirement in article 546 of the sanction of the Government of India. It seems unnecessary to insist on this under the new régime. No mention is made in fundamental rule 98 of the Legal Remembrancer and Secretary to the Legislative Council in the Punjab, as the special concessions given to this officer relate to pension only.

*Article 549.*—This will be included in the pension rules.

*Article 550.*—This has been reproduced in fundamental rule 58 (c) (iii), with the omission of the special provision regarding officers to whom the rules applied on the 25th June 1901. If any such officers still exist, they can be protected by an audit instruction.

## CHAPTER XXV.

*Article 551.*—Date of first arrival in India is of no importance under the fundamental rules. The article has therefore been omitted.

*Article 552.*—This refers back to article 187, provision for which has been made in fundamental rule 42.

*Articles 553 and 554.*—These merely state that the ordinary rules apply and they have therefore not been repeated in the fundamental rules.

*Article 555* has been replaced by the general rule in fundamental rule 86.

*Articles 556 to 560.*—It seems unnecessary to provide in the fundamental rules for all these details. The rules of all the important provident and family pension funds at present require the sanction of the Secretary of State, and fundamental rule 16 has been drafted accordingly.

*Articles 561 to 564-B.*—The substance of these will be included in the pension rules.

*Article 565.*—The substance of clause (a) and of the note under it has been taken into fundamental rule 56 (c) (i) and (ii). Clause (b) can be issued as an audit instruction. The note under it has been repeated under fundamental rule 56.

## CHAPTER XXVI.

*Article 566—*

1. Of the rules regarding pay and allowance in this article, rule 1 has recently been replaced by new rules made in connection with the reorganization of the Indian Civil Service. Provision has been made for rule 2 in fundamental rule 43, which leave the Secretary of State in Council to fix the rates of subsistence grant.

2. The regulations regarding pension will be reproduced, so far as is necessary, in the pension rules.

3. The leave regulations in this article are practically identical with those included in the Indian Service leave rules before the simplification of 1920. In a few points only the regulations for statutory civil servants are slightly more restrictive than the old Indian Service leave rules. In view of the fact that statutory civil servants will very shortly cease to exist, it is thought that they may without impropriety be made subject to the same conditions as other Government servants under the Indian Service leave rules. An addition to cover this case has therefore been made to fundamental rule 77 (e) and the special rules in this article have been omitted.

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\* *F. R. 98* (as it stood on 1st January 1922) has since been amended.



## CHAPTER XXVII.

*Article 567.*—This article reproduces the provisions of rules made under another section of the Act and has therefore not been reproduced in the fundamental rules. It is saved by fundamental rule 94.

*Articles 567-A. to 569.*—Rules replacing these articles have recently been issued as statutory rules under section 118 of the Act. They have not therefore been included in the fundamental rules, which are made under section 96-B.

*Article 569-A.*—Clause (a) of this article is taken from the Act and in any case it relates to pensions. It is therefore not reproduced in the fundamental rules. Clause (b) also relates to pensions and will be considered when the pension rules are taken in hand.

*Article 570.*—Fundamental rule 95 has been so worded as to include the bishops here concerned in the definition of chaplains for the purposes of the leave rules.

*Articles 571 and 572.*—It is unnecessary to reproduce these rates of allowance in the fundamental rules. They are additions to the pay of certain specified posts, and should be included in the manuals of appointments of the audit officers concerned.

*Articles 573 to 576.*—The operative part of these articles may be included in the special leave rules for chaplains, (see note on articles 580 to 597 below) and in the pension rules.

*Articles 577 to 579* have already been cancelled.

*Articles 580 to 597.*—It seems unnecessary to reproduce in the fundamental rules the detailed rules as to chaplains' leave, which would mean including a reference to privilege leave and the various kinds of furlough which have been abolished. It seems sufficient to leave it to the Secretary of State in Council to frame rules, and this is done in fundamental rule 95.

*Article 598.*—The relevant portion of this article is reproduced in the note under fundamental rule 14, which says, in effect, that a chaplain who has taken a home benefice will lose his lien on his Indian appointment as soon as his leave ends. The procedure portion of this article is omitted, and clause (a) is covered by the general rule in fundamental rule 69.

*Articles 599 and 599-A.*—These are rules dealing with pensions, and have therefore not been included in the fundamental rules.

*Article 600.*—This article has been omitted, and the chaplains left to come under the ordinary rule in fundamental rule 56 (a), in accordance with recent orders of the Secretary of State.

*Article 601.*—This article is replaced by the general rule in fundamental rule 86.

*Article 601-A.*—The provisions of this article may be left to be prescribed as part of the travelling allowance rules by Local Governments. The Governor-General in Council can, if necessary, direct their prescription, as ecclesiastical administration is a central subject.

*Articles 602 and 603.*—These allowances may be left to Local Governments to fix, under their ordinary powers, subject to any guidance which the Governor-General may wish to give as indicated in the preceding note.

## CHAPTER XXVIII.

*Article 604.*—It is unnecessary to include the provisions of this article in the fundamental rules. It merely states that the ordinary rules apply.

*Article 605.*—The substance of this article is covered by fundamental rule 100 (a) (ii), with the omission of the reference to special leave, which ceases to exist under the fundamental rules.

*Note 1* under this article has been omitted, in view of the removal of all restrictions upon the intervals between periods of leave.

*Note 2* under the article has similarly been omitted, seeing that the Government servants concerned will get joining time under the new rules, which apply to all Government servants in civil employ.

*Article 606.*—This is covered by fundamental rule 100 (a) (i).†

*Note 1* under the article is unnecessary, as the new rules apply to all persons in civil employ.

*Note 2.*—Combination of leave is permitted by fundamental rule 100 (a) (ii).†

*Note 3* has been omitted. It can, if considered necessary, be issued as a special rule under fundamental rule 2.

*Article 607.*—This is covered by the general wording of fundamental rule 100 (a).† The rule under the article has been omitted, seeing that a lien on an acting appointment now ceases to exist.

*Article 608.*—This is covered by fundamental rule 100.†

*Article 609.*—The substance of this article is covered by the note under fundamental rule 107 (b).

*Article 610.*—This will be covered by the general rule in fundamental rule 86.

*Article 611* has been omitted as being a rule of procedure only, which can be issued as an audit instruction.

*Article 612.*—

*Clause (a)* appears as fundamental rule 56 (c) (vi) (4).\* The note under it has been omitted as containing administrative instructions only.

*Clause (b)* should be issued as an audit instruction. The exception under it has been included in its latest shape in fundamental rule 56 (c) (vi) (1).\*

*Article 613.*—*Clauses (a) and (b)* have been included in rule 56 (c) (vi) (1) and (2). *Clause (c)* is in clause (c) (vi) (4) of the same rule.\*

*Article 614.*—This provision has not been included in the fundamental rules, since in actual practice a colonel's allowance is not earned until long after retirement from civil employ.

*Article 615.*—Powers of dismissal will be dealt with in other rules to be framed under section 96-B of the Act. The second sentence of this article is included in fundamental rule 56 (c) (iv) and (vi) (3).\*

*Article 616.*—The substance of this article appears in fundamental rule 56 (c) (vi) (3).\*

*Article 617.*—This has been omitted for the reasons given in the note on Article 614.

*Article 618* has already been cancelled.

*Article 619.*—

*Clauses (a) and (b)* are included in fundamental rule 56 (c) (vi) (3),\* with the omission of the reference to class I of chief engineers, which has been abolished. The last sentence of clause (b) really amounts to an administrative instruction and has therefore been omitted.

*Clause (c)* also contains an administrative instruction and has therefore been omitted.

*Clause (d)* has been omitted as unnecessary. The rules will naturally apply to the officers concerned.

The note under the article can be issued as an audit instruction.

*Article 620.*—This has been replaced by the general rule in fundamental rule 86.

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\* Sub-clause (vi) of F. R. 56 (c) (as it stood on 1st January 1922) has since been re-numbered as (vii) owing to insertion of a new sub-clause as (vi).

† F. R. 100 (as it stood on 1st January 1922) has since been amended.

## CHAPTER XXIX.

*Article 621.*—This article has been omitted, as no officers of the Army Veterinary Department will in future be appointed to officiate in the Civil Veterinary Department.

*Article 622.*—

*Clause (a)* has been omitted, as it merely states the ordinary method of calculating half pay. In view of other privileges conceded, the officers concerned may, like other services, be required to draw half average pay on leave.

*Clause (b)* and note 1 under it are reproduced in the note under fundamental rule 61 (a) (i). The first part of note 2 is covered by the substantive portion of the same rule, and the second part of note 2 and the whole of note 3 follow naturally from the ordinary rules.

*Articles 623 to 626.*—These will be included in the pension rules.

## CHAPTER XXX.

*Article 627.*—As will be seen from the following notes, it is considered unnecessary to maintain in the fundamental rules special rules for the classes of Government servants concerned.

*Articles 628 to 632.*—These articles deal with the date of commencement of service, which is of importance for pension purposes only. They have therefore been omitted.

*Article 633.*—This merely applies the ordinary rules and it has therefore been omitted.

*Article 634.*—In rule 75 of the fundamental rules, which is applicable to all civil services in India, the power of laying down rules for the admission of officers to the special leave rules has been left to the Secretary of State in Council.

*Articles 635 to 644.*—These are purely pension regulations. They have therefore been omitted from the fundamental rules and will be considered in connection with the pension rules.

*Article 645* has already been cancelled.

*Article 646.*—This has been omitted, as the appointment concerned has already ceased to exist.

*Article 647.*—Re-appointment in cases of this kind can under present regulations be sanctioned, and the rule is therefore not of sufficient importance to call for incorporation in the fundamental rules.

*Article 648.*—As article 647 has been omitted, this article also becomes unnecessary.

*Article 649.*—The first part of this article is included in the rules as to dismissal, which have been made separately.

The second part of the article has been included in fundamental rule 56 (c) (iv).

*Article 650.*—The substance of this article is repeated in fundamental rule 56 (c) (v).

## CHAPTER XXXI.

*Article 651.*—This list of officers is repeated in fundamental rule 99.

*Article 652.*—This states an obvious fact, and is therefore not repeated in the rules.

*Article 653.*—Throughout the fundamental rules the requirement that there should be no extra expense to Government has been omitted, as it is thought that this is a matter which may properly be left to Local Governments. This article has therefore been omitted.

*Article 654.*—This is reproduced in fundamental rule 99.

*Articles 655 and 656.*—The powers given to Local Governments by fundamental rule 103 will enable them to frame all necessary rules of this kind. The article is therefore omitted.

*Article 657* has been omitted, as the Local Governments can fix the pay of such officers under their ordinary powers.

*Article 658.*—The fact recorded in this article follows as a matter of course from fundamental rule 85.

## CHAPTER XXXII.

*Articles 659 and 660* are of importance for pension purposes only. They have therefore been omitted from the fundamental rules.

*Article 661.*—These rules will be made by the Governor-General in Council, acting as a Local Government in relation to a central service, under fundamental rule 101.

*Article 662* need not be reproduced, as it applies the ordinary rules.

*Article 663 and 664.*—These rules depart in so many respects from the ordinary leave rules, as now drafted, that it is considered undesirable to repeat them at length in the fundamental rules. It is considered that they should be laid down as special rules under fundamental rule 2 by the Governor-General in Council.

*Article 665.*—See note on article 661.

*Article 666.*—These rules can be made by the Governor-General in Council under the powers conferred upon him by fundamental rule 103 (c).

*Article 667.*—See note on articles 64—66.

*Articles 668 and 669* are omitted, as containing pension regulations only.

## CHAPTER XXXIII.

*Article 670.*—The note under fundamental rule 9 (2) leaves it to the Secretary of State to fix such rates as are prescribed in this article.

*Articles 671 to 677.*—The Secretary of State has recently sanctioned the application of the European Service leave rules to the Bengal Pilot Service as a whole.

These articles are therefore obsolete and have been omitted.

*Articles 678 to 692.*—All these deal with pensions and family pensions and have therefore been omitted from the fundamental rules.

## CHAPTERS XXXIV TO XXXVII.

*Articles 693 to 727.*—All these contain special rules as to the leave and acting allowances admissible to certain grades of police subordinates. It is considered that, if the Local Governments concerned desire to continue to apply any of these special rules, they should make rules under fundamental rule 2.

## CHAPTER XXXVIII.

*Articles 728 to 749.*—With the exception of article 733, all these articles deal with a special class of pension, and will be reproduced in the pension rules. Article 733, which deals with wound leave, has been replaced by fundamental rule 83, which has been drafted in accordance with the redraft recently received from the India Office.

## CHAPTER XXXIX.

*Article 749-A.*—The substance of this article has been reproduced in fundamental rule 109. It would obviously be out of the question to attempt to revise existing contracts with foreign employers in accordance with the new rules.

*Article 749-B.*—This article has been omitted from the fundamental rules. In this chapter, as throughout the rules, the actual powers possessed by the Government of India and the Local Government are set forth, and it is understood that any powers not so set forth are reserved to the Secretary of State in Council. So far as allowances are concerned, this has been expressly stated in the audit resolution which is appended as a schedule to rules made under section 45-A of the Act.

*Article 750.*—It has been found possible in the new rules to omit the distinction between foreign service of the first and of the second kind. The principle underlying the foreign service rules is that, when an officer of Government is lent for work for which he is paid from funds other than general revenues, contributions should be levied for leave and pension. The question whether Government manages the funds or not does not appear to affect this position. Article 750 has therefore been omitted altogether and one kind only of foreign service introduced.

*Article 751.*—The fundamental rules will not deal at all with rules of discipline and other similar regulations. These have been treated in another portion of the rules under section 96-B of the Act. The substance of Article 751 has therefore been omitted.

*Article 752.*—This has been replaced by the rather more general provision in rule 113 of the fundamental rules. It is thought that the principles stated in that rule are sufficient for practical purposes. Fundamental rules 26 and 113 provide for the last sentence of article 752.

*Article 753.*—This has been reproduced with slight verbal alterations in rule 120.

*Article 754.*—This has been reproduced in rule 121.

*Article 755.*—This article, as it stands at present, deals with several different subjects which do not form an entirely suitable combination. They have therefore been separated and taken to the appropriate parts of the new rules.

The main portion of *clause (a)* is provided for in fundamental rule 113, while the retention of a lien is secured by fundamental rule 14.

*Clause (b)* has been re-worded in rule 125. In order to simplify procedure, the specifications contained in the second and third paragraphs of this clause have been omitted and the date of reversion has been left to be settled by the Local Government on whose establishment the foreign servant is borne. This seemed desirable in view, among other considerations, of the difficulty of interemployer. This seems to be sufficient.

*Article 756.*—The latter part of rule 114 allows the sanctioning authority, subject to any restrictions which the Governor-General in Council may by general order imposed, to fix all these details in consultation with the foreign employer. This seems to be sufficient.

*Article 757.*—This article has been reproduced, with a change in wording to suit the new conditions, in rule 124.

*Article 758.*—This article combines two provisions which are better separated. The date of commencement of foreign service has accordingly been provided for at the beginning of rule 114 and the date of reversion in rule 125. No mention has been made of travelling allowance, as all matters in connection with such allowance are left for the decision of Local Governments.

*Article 759.*—This article will be more suitably included in the pension rules, and it has accordingly been omitted from the fundamental rules.

*Article 760.*—This contains a rule of procedure which would be out of place in the fundamental rules, and it has accordingly been omitted. It may be issued as an audit instruction.

*Article 761.*—In place of clauses (a) and (b) of this article, the note under fundamental rule 69 has been so worded as to make the ordinary provisions.

as to sanction apply to Government servants who take up foreign service while on leave.

*Clause (c)* of the article has been reproduced in rule 112.

*Note 1* becomes unnecessary, in view of the new wording of the note under rule 69.

*Note 2* does not deal with foreign service.

*Article 762.*—The substance of this article has been reproduced in rule 111 with some slight changes in wording.

*The note* has been omitted as being merely explanatory.

*Articles 763 and 764.*—The matters of which these articles treat form the subject of rules 110 (*b*) and 114 of the fundamental rules. It is recognized that the Government of India may desire to maintain a large measure of control over transfers to foreign service, particularly in the case of service in important Indian States which are in direct relation with the Government of India. It does not, however, seem necessary to embody in the fundamental rules all the minute details specified in articles 763 and 764. It is considered sufficient to give the Governor-General in Council power to make subsidiary regulations.

*Article 765.*—This article has been somewhat re-worded in rule 115. The only material change is contained in the last sentence of that rule, under which contributions will not be payable during leave. The rates of contributions to be levied are now being re-calculated on the assumption that they will not be levied during leave.

*Articles 766 to 770.*—The rules fixing the amount of contributions are now under revision, and some considerable time may elapse before the new rules are finally decided. It therefore seems desirable to make no attempt to set forth the rates in the rules but to leave them, under the terms of rule 117, to be fixed by the Governor-General in Council. This procedure will incidentally facilitate the making of any changes which may be considered desirable in future.

*Article 771* has been reproduced in fundamental rule 118.

*Article 772.*—Here a considerable devolution of power has been made in rule 119 by giving Local Governments power to remit contributions. The devolution is, however, restricted by the general rule-making powers reserved to the Governor-General in Council.

*Articles 773 and 774.*—These contain rules of procedure only and they have therefore been omitted from the fundamental rules.

*Article 775.*—A simpler rule has been laid down in the latter part of rule 115.

*Article 776.*—The greater part of this article consists of rules of procedure. As for the rest, rule 119 (*b*) gives Local Governments powers to prescribe the rate of interest to be levied on overdue contributions, and this seems sufficient.

*Article 777.*—This is covered by the general rule 122.

*Article 778.*—The first part of this article is covered by rule 122. The second part contains rules of procedure and administrative instructions which it is considered unnecessary to reproduce in the fundamental rules.

*Article 779.*—This article becomes unnecessary, as the distinction between the two kinds of foreign service has been abandoned.

*Article 780.*—This consists mainly of rules of procedure and it has therefore been omitted. The rules as to grant of leave can be made by Local Governments under fundamental rule 66.

*Article 781.*—This has been reproduced with some changes in wording in rule 123. The portion of the article which deals with procedure has been omitted.

*Article 782.*—This article has been omitted, as it is thought that a case of the kind contemplated should now come under the ordinary rules.

## CHAPTER XLI.

*Article 783.*—The substance of this article has been reproduced in rule 127, but full powers have been given to Local Governments to remit contributions.

*Articles 784 to 795* have already been cancelled.

## CHAPTER XLII.

*Articles 796 to 809* deal with pensions, and have therefore been omitted from the fundamental rules.

*Articles 810 to 813.*—These have been replaced by the simple rules in fundamental rules 128 to 130. There is still a certain number of local funds which are administered by Government. The fundamental rules propose to treat the *employés* of all such funds as Government servants proper. The *employés* of local funds which are not administered by Government are not Government servants, and the fundamental rules therefore make no mention of them; but Government servants transferred to service paid from such funds are treated as in foreign service.

## CHAPTER XLIII.

*Articles 815 to 824.*—Rule 74 of the fundamental rules gives Local Governments power to issue these rules of procedure, subject to any instructions which the Auditor General may issue in the interests of efficiency and uniformity of audit.

## CHAPTER XLIV.

*Articles 825 to 827.*—Rule 74 of the fundamental rules gives Local Governments power to issue these rules of procedure, subject to any instructions which the Auditor General may issue in the interests of efficiency and uniformity of audit.

*Article 827-A.*—This is an administrative instruction which need not be included in the fundamental rules.

*Articles 827-B to 838.*—These have been omitted as containing rules of procedure only. See note on Articles 815 to 824.

*Article 839.*—It does not seem necessary to state this fact in the fundamental rules. In the absence of specific provision to the contrary, it would seem to follow from the ordinary rule.

*Article 840.*—It seems unnecessary to retain this restriction. Local Governments can always enforce it by administrative order. The article has therefore been omitted.

*Article 841.*—This article defines the authorities by whom leave may be granted, and it is replaced in the fundamental rules by the rule-making power given to Local Governments by rule 66. The report by the audit office is a matter of procedure, and will be met by rules made by the Auditor General and the Local Governments under rule 74.

*Article 842.*—This can be laid down by the Auditor General as parts of the procedure for the grant of leave.

*Articles 843.*—The provisions of this article can be laid down as a rule by Local Governments under fundamental rule 66.

*Articles 844 and 845* have already been cancelled.

*Articles 846 to 850.*—These rules can be made either by the Secretary of State under fundamental rule 95 or by Local Governments under fundamental rule 66. They need not appear in the fundamental rules.

*Articles 851 and 852.*—These contain matters of procedure only and have therefore been omitted. They will be covered by the rules and instructions for which fundamental rule 74 provides.

*Article 853* has already been cancelled.

*Article 854*.—See note on articles 846 to 850.

*Articles 855 to 861*.—These also will be covered by the rules and instructions mentioned in fundamental rule 74.

#### CHAPTER XLV.

*Article 862*.—The provisions of this article have been replaced by those of fundamental rules 91 and 92.

*Articles 863 to 867*.—See note on articles 855 to 861.

*Article 868*.—This is replaced by rule 91.

*Article 869*.—The Governor-General in Council will lay down rules of this kind. See fundamental rule 74 (b).

*Article 870* has already been cancelled.

*Articles 871 to 873* have been omitted as containing rules of procedure. See note on articles 853 to 861.

#### CHAPTER XLVI.

*Articles 874 to 876* have been omitted as containing rules of procedure.

*Articles 877*.—The substance of this article can be issued as an audit instruction.

*Articles 878 to 904*.—See note on articles 855 to 861.

#### CHAPTERS XLVII TO L.

*Articles 905 to 994*.—All these relate to pensions and have therefore been omitted from the fundamental rules. The majority of them are what they profess to be, rules of procedure only. Such articles as 918 and 934, which contain matter of importance, will be incorporated in the main pension rules.

#### CHAPTERS LI TO LVII.

*Article 995*.—The definition has been taken to fundamental rule 9 (32) and the fundamental principle stated in the article to fundamental rule 44.

*Articles 996 to 1163* have been omitted. They contain the detailed rules regarding travelling allowance, which the fundamental rules leave to be laid down in future by Local Governments or, in the case of Government servants under his administrative control, by the Governor-General in Council.

#### APPENDICES.

*Appendix 1* becomes unnecessary, in view of the power of delegation conferred upon Local Governments by fundamental rule 6.

*Appendices 1-A and 2* have been cancelled.

*Appendix 3* refers to procedure only.

*Appendix 4* becomes unnecessary, in view of the new rules regarding the pay of acting officers.

*Appendix 4-A*.—All the matters treated in this appendix are covered by the powers now given to Local Governments in this connection.

*Appendix 5* has already been cancelled.

*Appendix 6*.—All the allowances mentioned in this appendix can now be given by Local Governments under the powers conferred upon them by the fundamental rules.



*Appendix 6-A* is rendered unnecessary by the powers given to Local Governments in fundamental rule 105 (d), read with fundamental rule 106, of giving joining time in the cases with which the appendix deals.

*Appendix 7* has already been cancelled.

*Appendices 7-A to 10* deal with pensionary matters and will be considered in connection with the pension rules.

*Appendix 11*.—The rules contained in this appendix will be issued as rules made by the Secretary of State in Council under fundamental rule 16.

*Appendices 12 to 14* have already been cancelled.

*Appendix 15*.—This will be issued as a rule made by the Secretary of State in Council under fundamental rule 91.

*Appendix 16* has already been cancelled.

*Appendices 16-A to 27*.—All these relate to travelling allowances and will be issued, if at all, by Local Governments in future.

*Appendix 28* contains rules framed under other sections of the Act and need not therefore be reproduced in the fundamental rules.

*Appendix 29* has already been cancelled.

*Appendix 30* relates to travelling allowance. The necessary rules will be issued by Local Governments or the Governor-General in Council, as the case may be, under the powers conferred by fundamental rule 44.

*Appendix 31*.—The rules in this appendix can be laid down by the Governor-General in Council under the powers conferred upon him by fundamental rule 114.

*Appendix 32*.—The rules in this appendix will be covered by the orders issued by the Secretary of State in Council under fundamental rule 84.

*Appendix 33*.—The Government of India can issue such lists as these, for the guidance of audit officers and Local Governments. The contracts of the officers concerned will usually show what is the period of probation and, if not, it will be for the Governor-General in Council to interpret the rules under fundamental rule 8.

## APPENDIX No. 3.

### Administrative instructions in connection with the Fundamental Rules.

(*Government of India, Finance Department, Resolutions No. 205-C. S. R., dated 8th February 1924, No. 59-C. S. R., dated 9th April 1924, No. F. 13-XII-C. S. R., dated 20th November 1924, and No. F. 91-V-C. S. R., dated 28th November 1924.*)

The Governor General in Council is pleased to make the following rules, in connection with the Fundamental Rules, in respect of Government Servants under his administrative control or serving in a Chief Commissioner's province.

#### \* I.—CONDITIONS OF AGE ON APPOINTMENT TO GOVERNMENT SERVICE.

† A person whose age exceeds 25 years may not ordinarily be admitted into the service of the State in superior pensionable service without the sanction of the Head of a Department. The ordinary limit is extended to thirty years in the case of a person appointed to a Judicial office.

NOTE.—This Rule does not apply to the employment in civil capacities of reservists and pensioners of the Indian Army.

#### II.—(a) CHARGE OF OFFICE.

1. Unless for special recorded reasons (which must be of a public nature) the authority under whose orders the transfer takes place permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters, both the relieving and the relieved Government servants being present.

(1) The Chief Commissioners and Agents to the Governor General, North-West Frontier Province and Baluchistan, and the Auditor General may delegate to a subordinate authority the power to relax, for special and recorded reasons of a public nature, the provisions of this rule in the case of any class of Government servants serving under the latter whose transfer has been ordered by competent authority not higher than that of the Chief Commissioner or Auditor General, as the case may be.

\* Minors, i.e., persons who have not attained the age of 18 years should not be appointed to posts for which security is required.

[Note 3 below Rule 467 of Post Office Manual, Vol. II (1916).]

† The Governor General in Council has empowered Heads of Postal and Telegraph Circles to admit into the service of the State persons in superior pensionable service whose age does not exceed 25 years by more than 18 months. This power should be exercised only in exceptional cases.

[G. I. I. L. D. No. 76-P. T., dated 23rd Oct. 1924.]

‡ The Governor General in Council has had under consideration the question whether in cases involving transfer of charge of an office elsewhere than at headquarters the exact nature of the reasons should be expressed on the face of the record. He has decided that this should be done, and audit officers have been instructed to challenge all orders in which the exact nature of the reasons underlying them has not been explained. Authorities exercising the power are expected to take into full consideration, before issuing the orders, the exact financial effect which such orders will produce.

[G. I. F. D. No. F.-227-C. S. R./26, dated 23rd July 1926.]

(2) Sanction to the delivery of charge away from headquarters but within the jurisdiction of the officer relieved, may be accorded by Minor Local Governments and by Heads of Central Departments in respect of all Government servants serving under them who are transferred under competent authority. In special cases where the Head of the Minor Local Government or Central Department desires, for particular reasons connected with the public service, to confer at his own headquarters with the relieving Government servant before the latter enters upon his local duties, he may permit the transfer to be made at his own headquarters.

(3) The condition imposed by this rule that both the relieving and the relieved Government servants must be present is not enforced in the case of Government servants who are permitted to combine vacation with long leave under Fundamental Rule 81, or the Judicial Commissioner of the North-West Frontier Province. In such cases the following procedure has been laid down:—

- (a) When vacation is prefixed to leave the outgoing Government servant will report, before leaving headquarters, or if for urgent reasons the leave is granted during vacation, as soon as it is granted that he makes over charge with effect from the end of the vacation. The relieving Government servant will then take over charge at the end of the vacation in the ordinary way.
- (b) When vacation is affixed to leave the Government servant to be relieved will make over charge in the ordinary way before the vacation, the incoming Government servant on return at the end of the vacation taking over charge with effect from the beginning of the vacation.

NOTE.—Charge of an office may not, without the previous sanction of the Government of India, be relinquished or resumed by Government servants visiting Aden on duty preparatory to retirement from the service or while proceeding on or returning from leave.

2. As a general rule, and subject to any special orders to the contrary in particular cases, the headquarters of a Government servant on the staff of a Government, as, for instance, a Secretary to a Government, the Director General, Indian Medical Service, or a clerk in a Government secretariat, are the headquarters, for the time being, of the Government, to which he is attached.

3. The headquarters of any other Government servant are either the station which has been declared to be his headquarters by the authority which appoints him, or, in the absence of such declaration, the station where the records of his office are kept.

NOTE.—An authority mentioned in the annexed schedule may, to the extent indicated therein, delegate to a subordinate authority the power to fix, or change, the headquarters of Government servants serving under the latter who are appointed by higher authority.

#### (b) LEAVING JURISDICTION.

1. No Government servant (other than a police officer acting within his legal powers) is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority.

2. An authority mentioned in the annexed schedule may authorise any Government servants under its control to proceed on duty to any part of British India, whether within or beyond its own jurisdiction, or to any Indian State or Foreign Settlement in India.

NOTE.—An authority mentioned in the annexed schedule may, to the extent indicated therein, delegate its powers under this rule to Heads of Departments.

1. A Government servant permitted under this rule to proceed to any place on duty may take with him such establishment and records as are absolutely necessary for the efficient discharge of his duties.

3. A controlling officer (see supplementary rule 191) may allow any Government servant subordinate to him to proceed on duty to any part of the territories of his local Government or to a District or Foreign State or Settlement adjoining the jurisdiction of the controlling officer and to draw travelling allowance under rule.

4. An Accountant General may pass pay and allowances to the Head of an Administration under the latter's own orders for any period during which he may be absent from his jurisdiction and to any member of his personal or secretariat staff.

### III.—SUBSISTENCE GRANTS.

No extra cost may ordinarily be imposed on the State by the grant of an allowance under Fundamental Rules 53 (b) and 54 without the permission of one of the authorities in the annexed schedule. In cases, however, where it does not exceed Rs. 500 and where the period during which the Government servant has remained unemployed through suspension or dismissal does not exceed six months, the excess expenditure may be admitted on the sanction of the suspending authority or the revising or appellate authority as the case may be.

### IV.—COMMITTALS TO PRISON.

\* A servant of Government committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceedings against him, when an adjustment of his allowances should be made according to the circumstances of the case, the full amount being given only in the event of the Government servant being acquitted of blame or (if the imprisonment was for debt), of its being proved that the Government servant's liability arose from circumstances beyond his control.

### V.—LEAVE.

#### (1) Probationers and Apprentices.

Leave on medical certificate under Fundamental Rule 104 (a) (ii) shall not be granted for a period extending beyond the term of a Government servant's contract unless or until it has been decided to retain him in permanent employment.

#### (2) Casual Leave.

† (a) Fundamental Rule 85 does not refer to casual leave for short periods. Such leave is not recognised and is not subject to any rule. Technically, therefore, a Government servant on casual leave is not treated as absent from duty, and his pay is not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding:—

- (i) date of reckoning pay and allowances,
- (ii) charge of office,
- (iii) commencement and end of leave,
- (iv) return to duty,

or so as to extend the term of leave beyond the time admissible by rule.

\* The adjustment of allowances should be made according to the circumstances of the case; viz., under the orders of the Government of India in the case of Assistant Divisional Engineers and officers holding analogous or higher rank, and in all other cases by the Director General.

[Para. 784 of Telegraph Manual, Vol. I (1916).]

† It has been ruled that the State should not be put to any extra expense in consequence of the absence of an officer during holidays or on casual leave.

[G. I. F. D. No. 215, dated 14th March 1894—vide page 125 of Bengal Supplement to Civil Service Regulations.]

(b) Clause (a) is not to be read as prohibiting the treatment as casual leave of absence from duty following on leave granted under the rules, so long as such absence is due to reasons involving no evasion of the rules in regard to the matters above specified, as for instance, when it is necessitated by—

- (1) detention in plague camps on the way to rejoin, or
- (2) orders not to attend office in consequence of the presence of infectious diseases in the family or household of the person concerned.

When, however, absence from duty for reasons of the nature above indicated exceeds the period which may reasonably be treated as casual leave under the discretion vested in the authority competent to grant leave, the Government servant may be granted leave with leave-salary of any kind which may be due to him and thereafter leave without leave-salary.

NOTE 1.—These examples are not meant to be in any way exhaustive.

NOTE 2.—The Government of India and the authorities mentioned in the annexed schedule may, to the extent indicated therein, sanction a substitute for an absentee who is prohibited from attending his duties on account of some infectious disease in his family and whose duties cannot be arranged for without prejudice to his pay provided that the absence does not exceed 30 days and the pay of the absentee is not more than Rs. 100 a month.

## No. 76.

Page 356, Appendix 3—

Insert the expression “ (other than runners) ” *after* the word “ menials ” in line 2 of Note 4 to “ Section V (2)-Casual Leave ” in this Appendix.

[G. I., I. & L. D., letter No. 20-P. T. E., dated 4th November 1926.]

(No. 76, dated the 25th April 1931.)

## No. 75.

Page 356, Appendix 3—

Substitute the words “ Chief Engineer, Central Public Works Department ” for the words “ Chief Engineer, Public Works Department, Delhi ” occurring in line 1 of Note 5 to “ Section V (2)-Casual Leave ” in this Appendix.

[G. I., F. D., Resolution No. F-145-R. I./29, dated 8th September 1930.]

(No. 75, dated the 25th April 1931.)

rules. The substitutes should not be appointed by the reservists, but according to the usual rules; and in the case of appointments in which security is required, they should be selected from candidates who have given security.

[Note 1 below Rule 521, Post Office Manual, Volume II (1916).]

*Director General's Instructions.*—Military Telegraphists employed in Telegraph offices may be granted leave, with Telegraph allowances for 30 days annually. Leave granted otherwise than on medical certificate will be subject to the approval of the Military authorities.

[Paragraph 379 of Telegraph Manual, Volume II (1916).]

For the purpose of calculating the 30 days' leave the year should be taken to run from the 1st September to the 31st August.

[D. G. P. & T.'s No. 97-Est. (A)-II/27, dated 5th April 1928.]

(3) *Recall from leave.*

Orders recalling a Government servant on leave out of India should be communicated to him officially through the High Commissioner for India.

## VI.—FOREIGN SERVICE.

### (1) *Procedure for payment of contribution.*

1. A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the Account Officer (referred to in rule 2) by the authority by whom the transfer is sanctioned. The Government servant himself should, without delay, communicate a copy to the officer who audits his pay, and take his instructions as to the officer to whom he is to account for the contribution; report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from, foreign service; and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.

2. (a) In the case of foreign service out of India, the "Account Officer" is the Accountant General, Central Revenues.

(b) In the case of foreign service in India—

(i) if pay in foreign service is paid from a Government treasury, and is subject to audit by an audit officer of Government, the Account Officer is such audit officer;

(ii) otherwise, the Account Officer is the Accountant General of the province in which the Municipality, Port Trust or other body concerned is situated, or in the case of service under an Indian State, the Accountant General who is in account with the State concerned.

\* *NOTE.*—In the case of Government servants in Commercial Departments, (e.g., Railways and Posts and Telegraphs) employed on foreign service in or out of India, the "Account Officer" is the Account Officer of the Department concerned.

### (2) *Rules regarding leave and the grant of leave.*

1. A Government servant on foreign service in India is himself personally responsible for the observance of the rule contained in Fundamental Rule

\* *Accountant General's Instructions.*—In respect of the Postal and Telegraph Department, the Account Officers are the Deputy Accountants General in independent charge of the Branch offices under the Accountant General, Posts and Telegraphs.

[A. G. P. T.'s Endt. No. Mis.-1971/F.-90 II (Vol. 2), dated 18th Dec. 1924.]

122; by accepting leave to which he is not entitled under the rules he renders himself liable to refund leave-salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pension or leave-salary.

#### VII.—TRAVELLING ALLOWANCES.

##### (1) *Transfer not on public grounds.*

(a) When a Government servant is transferred otherwise than for the public convenience, a copy of the order of transfer shall be sent to the Audit Officer of the Circle of Audit in which he is serving, with an endorsement stating the reason of the transfer. In the absence of such an endorsement the Audit Officer shall assume that the Government servant has been transferred for the public convenience.

(b) In the case of non-gazetted Government servants a certificate from the head of the office may be accepted in lieu of the copy of the order prescribed by clause (a).

##### (2) *Grant of travelling allowance to persons not in the civil service of the Crown, who are required to attend commissions of enquiry, etc.*

The grant of travelling allowance under the rules is desirable as far as possible, in all cases falling under Supplementary Rule 190, as it avoids correspondence and tends to facility of audit.

#### VIII.—RULES GOVERNING THE APPOINTMENT AND PAY OF SETTLEMENT OFFICERS AND ASSISTANT SETTLEMENT OFFICERS.

1. A member of the Indian or Statutory Civil Service or of the Commission of a Non-Regulation province, or an officer of the Provincial Civil Service holding a listed post of Collector or Deputy Commissioner, who is employed as a Settlement Officer draws (a) the pay which would be admissible to him if serving in the regular line and not holding a special post and (b) a special pay of Rs. 150 per mensem.

2. A member of the Indian or Statutory Civil Service or of the Commission of a Non-Regulation province who is employed as an Assistant Settlement Officer draws (a) the pay which would be admissible to him if serving in the regular line and (b) a special pay of Rs. 100 per mensem. This rule does not apply to an Assistant who is attached to a Settlement for training only and is not in subordinate charge of any portion of the operations.

3. Settlement Officers and Assistant Settlement Officers who are members of the Indian or Statutory Civil Service or of the Commission of a Non-Regulation province or are members of the Provincial Civil Service holding listed posts of Collector or Deputy Commissioner may, while on actual duty or on leave on average pay for not more than four months, be seconded from the regular line, if the Government of India may by general or special order so direct and if the post held by such officer is not provided for in the regular grades of Collectors or Deputy Commissioners or Joint Magistrates, etc. An officer of the regular line may be appointed to officiate for a Settlement Officer or an Assistant Settlement Officer absent on leave for not more than six consecutive months during the progress of a settlement; but in such cases the *locum tenens* cannot be seconded. If a Settlement Officer or an Assistant Settlement Officer belonging to the services mentioned in this rule, who is seconded, takes leave on average pay combined with leave on half average pay during the progress of a settlement for a longer period than six consecutive months, he reverts to his substantive appointment in the regular line after the expiry of the first four months of his leave on average pay, or if the leave on average pay is for less than four months,

after the expiry of such leave; but if he takes leave of any other description for a period exceeding six months during the progress of a settlement, or if he takes any leave after the termination of his settlement, he must first revert to his substantive appointment in the regular line.

4. A Collector or a Deputy Commissioner who is a member of the Indian or Statutory Civil Service or of the Commission of a Non-Regulation province or who is a member of the Provincial Service holding a listed post of Collector or Deputy Commissioner, and who is placed in charge of the settlement of his district in addition to his ordinary duties draws, in addition to his pay as Collector or Deputy Commissioner, a special pay of Rs. 150 per mensem. It is open to the Government of India to declare that such Collector or Deputy Commissioner who is in charge of the settlement of a less area than an entire district shall be entitled to special pay not exceeding Rs. 150 a month.

5. The Government of India may grant a member of the Indian or Statutory Civil Service or of the Commission of a Non-Regulation province who is below the rank of Collector or Deputy Commissioner and is employed on settlement work in addition to his ordinary duties special pay not exceeding Rs. 100 per mensem in addition to the pay otherwise admissible to him.

6. A member of the Provincial Civil Service in the North-West Frontier Province and Baluchistan who is specially appointed to settlement work draws a special pay of Rs. 100 per mensem in addition to the pay which would be admissible to him if serving in the regular line. A member of the Subordinate Civil Service in Baluchistan draws a special pay of Rs. 50 per mensem in similar circumstances.

#### SCHEDULE.

Administration, Department or Officer.	Powers.
1. Chief Commissioners . . . . .	} Full powers.
2. First Class Residents . . . . .	
3. Departments of the Government of India . . . . .	
4. Director General, Posts and Telegraphs . . . . .	} Full powers in respect of Government servants under their orders who are not appointed directly by the Government of India.
5. Director-in-Chief, Indo-European Telegraph Department . . . . .	
6. Inspector General of Forests . . . . .	
7. Commissioner, Northern India Salt Revenue . . . . .	
8. Controller of the Currency . . . . .	
9. Auditor General . . . . .	



## APPENDIX No. 3A.

[Government of India's Orders under F. R. 2.]

**The Civil Services (Classification, Control and Appeal) Rules.\***

*Made by the Secretary of State for India in Council, under Section 96B (2) of the Government of India Act, on the 27th May 1930.*

## PART I.—General.

1. (1) These rules may be called the Civil Services (Classification, Control and Appeal) Rules.

(2) The Civil Services (Governors' Provinces) Classification Rules and the Civil Services (Governors' Provinces) Delegation Rules, 1926, are hereby cancelled.

2. For the purposes of these rules, unless there is anything repugnant in the subject or context,—

(a) "Government" means the Governor-General in Council or a Local Government as the circumstances require.

(b) Where a member of a service is referred to as appointed by an authority the reference is to the authority which appointed him to the service of which he is for the time being a member:

Provided that a member of a service who prior to his appointment to such service was appointed to the service of the Crown in India by an authority higher than the authority which appointed him to such service shall, if the higher authority so directs, be deemed for the purposes of these rules to have been appointed by the higher authority.

3. These rules shall apply to every person in the whole-time civil employment of a Government in India (other than a person so employed only occasionally or subject to discharge at less than one month's notice) except—

(a) persons for whose appointment and conditions of employment special provision is made by or under any law for the time being in force;

(b) railway servants as defined in section 3 of the Indian Railways Act, 1890, and other persons holding posts under the administrative control of the Railway Board or of the Financial Commissioner of Railways;

(c) persons in respect of whose conditions of service, pay and allowances and pension, or any of them, special provision has been made by agreement entered into in pursuance of the provisions of Rule 46:

Provided that in respect of any matter not covered by the provisions special to him, his service or his post, these rules shall apply to any person coming within the scope of exceptions (a) or (c) above to whom but for these exceptions the rules would otherwise apply:

Provided also that these rules shall apply to any person temporarily transferred to a service or post coming within exception (b) to whom, but for such transfer, these rules would otherwise apply.

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\*Published in Part I of the *Gazette of India* of the 21st June 1930 with the Home Department Notification No. F.-9/3/30-Estabts., dated the 19th June 1930.

4. Notwithstanding the provisions of the foregoing rule, the Government may by notification published in the *Gazette of India* or the local official Gazette:—(1) Exclude wholly or in part from the operation of these rules any ministerial or menial officer or class of officers to whom the Government shall declare that the rules cannot suitably be applied, and these rules shall thereupon, to the extent of such exclusion, cease to apply accordingly: (2) declare in respect of any person or group of persons that these rules shall not apply in whole or in part to such person or group and these rules shall thereupon cease to apply accordingly:

Provided that no declaration under sub-rule (2) of this rule shall be made in respect of any person who—

- (a) holds a pensionable post; or
- (b) holds a permanent whole-time post; or
- (c) was appointed by the Secretary of State in Council or the Governor-General in Council, save by or with the sanction of the appointing authority.

5. If any doubt arises—

- (a) as to whether these rules apply to any person, the matter shall be referred to the authority which appointed him;
- (b) as to whether any person to whom these rules apply belongs to a particular service, the matter shall be referred to the controlling authority of that service;
- (c) as to which of two or more services is the service to which a person to whom these rules apply belongs, the matter shall be referred to the highest authority among the controlling authorities of the services concerned;

and, in each case, the decision of the authority to whom the matter is referred shall be final.

6. The decision of the Secretary of State in Council shall be final on any question whether any rule, purporting to be made in exercise of the powers conferred by these rules, was validly made or contravenes any of the provisions of these rules and the authority by which the rule was made shall give effect to any orders which may be passed by the Secretary of State in Council thereon.

7. Where by these rules power is delegated to, or conferred upon, any authority to make rules regulating the classification, the methods of recruitment, the conditions of service, the pay, allowances and pensions, or the discipline and conduct of any class of the Civil Services specified in Rule 14, the rules, notifications, and orders, by whatsoever authority made, regulating these matters in respect of that class which were in operation on the date these rules were made shall remain in operation except in so far as they may be inconsistent with these rules or may be specifically cancelled or modified in exercise of the aforesaid power by the authority to which it is delegated.

8. Nothing in these rules or in any rule made thereunder shall operate to deprive any person of any right or privilege to which he is entitled—

- (a) by or under any law, or
- (b) by the terms of any contract or agreement subsisting between such person and Government on the date these rules came into force.

9. (1) Subject to the provisions of Rule 8, nothing in any rule made under these rules shall operate to affect to the disadvantage of any person to whom these rules apply, the conditions of service in respect of pay, allowances, pensions or any other matter which are applicable to him—

- (a) on the date these rules came into force, or
- (b) by virtue of any order or rule made by the Secretary of State in Council,

unless—

- (i) the rule has been made with the previous sanction of the Secretary of State in Council, or
- (ii) the authority which made the rule had power on the 8th day of March 1926 to make it, or
- (iii) such person gives his consent.

(2) For the purpose of this rule, a person who was holding a post on the aforesaid date, in an officiating or provisionally substantive capacity, and has been subsequently confirmed in such post without having reverted therefrom, shall be deemed to have been holding that post on that date.

10. Nothing in these rules or in any rule made under them shall be construed as authorising a Government otherwise than with the previous sanction of the Secretary of State in Council—

- (1) to create a permanent post on a maximum rate of pay exceeding Rs. 3,000 a month or to increase the maximum pay of a sanctioned permanent post to an amount exceeding Rs. 3,000 a month;
- (2) to create or continue a temporary post for a period exceeding six months if the pay of the post exceeds Rs. 4,000 a month, or for a period exceeding three years if the pay of the post exceeds Rs. 3,000 a month.

11. Nothing in these rules should be construed as authorising a local Government otherwise than with the previous sanction of the Governor-General in Council to institute or make rules regulating any Provident Fund.

12. Any rules made by a Government in exercise of power delegated under these rules may, for reasons to be recorded in writing, be relaxed in

### No. 87.

#### Page 362, Appendix 3-A—

Insert the following as “Government of India’s decision” under Rule 12 in this Appendix:—

“*Government of India’s decision.*—The audit authorities should be acquainted with the grounds for departure from rule in matters touching public expenditure and receipts. Wherever possible, the specific grounds should be stated in the order itself; in exceptional

cases they may be communicated confidentially to the Audit Officer.”

[G. I., F. D., letter No. F-51—I-Ex. I./31, dated 30th January 1931.]

(No. 87, dated the 25th April 1931.)

in the Civil Service of the Crown in India, other than a member of a provincial or subordinate service, or the holder of a special post under the administrative control of the Local Government—

- (i) of any function in regard to disciplinary cases;
- (ii) of any other function save with the general or special approval of the Secretary of State in Council in the case of persons appointed by him and of the Governor-General in Council in other cases.

PART II.—*Classification.*

14. The public services in India shall be classified as follows:—

- (1) the All-India Services;
- (2) the Central Services, Class I;
- (3) the Central Services, Class II;
- (4) the Provincial Services;
- (5) the Specialist Services;
- (6) the Subordinate Services.

15. The All-India Services shall consist of—

- (a) members of the services included in Schedule I to these rules;  
and
- (b) persons who hold in a substantive capacity posts borne on the cadres of the services included in Schedule I.

16. The Central Services, Class I, shall consist of the services included in Schedule II to these rules.

17. The Central Services, Class II, shall consist of such services (other than the services included in Schedules I and II) under the administrative control of the Governor-General in Council or the Local Government of a Province other than a Governor's Province, as the Governor-General in Council may from time to time declare, by notification in the *Gazette of India*, to be included in the Central Services, Class II: Provided that one of the services so included shall be entitled the General Service.

18. The Provincial Services shall consist of such services (other than the services included in Schedule I), under the administrative control of the Local Government of a Governor's Province as the Local Government may from time to time declare, by notification in the local official Gazette, to be included in the Provincial Services of that Province: Provided that one of the services so included shall be entitled the General Service.

19. The Specialist Services shall consist of such services (other than All-India, Central or Provincial Services) under the administrative control of the Governor-General in Council or the Local Government of a Governor's Province, as the Governor-General in Council or such Local Government may, from time to time, by notification in the *Gazette of India* or local official Gazette, declare to be Specialist Services: Provided that one of the services so included shall be entitled the General Service.

20. The various Governments may make rules for the classification into subordinate services of persons to whom these rules apply and who are under their administrative control and are not already included in any of the services comprised in classes (1) to (5) of Rule 14:

21. The controlling authority of every person to whom these rules apply shall, if he is not already so included, include him in a service under its control.

22. No appointment of a person who is included in any one of the classes specified in Rule 14, to a service or post included in any other class shall operate to deprive him without his consent of any right or privilege to which he may have been entitled as a member of the former class; and a member of an All-India Service appointed to a service or post included in another class shall not, by reason only of such appointment, cease to be a member of an All-India Service.

PART III.—*All-India Services.*

23. Save as provided by sections 99 and 100 of the Government of India Act, all first appointments to an All-India Service shall be made by the Secretary of State in Council, and the rules regulating recruitment to the All-India Services shall be made by the Secretary of State in Council.

24. The strength, including both the number and character of posts, of every All-India Service shall be determined by the Secretary of State in Council, or in accordance with any rules made in this behalf by the Secretary of State in Council:

Provided that, subject to the limitation specified in Rule 10, the Governor-General in Council or a Local Government may make temporary additions to the cadre of an All-India Service for the performance of any duties of a temporary character.

25. The Governor-General in Council or the Local Government of a Governor's Province may leave a post borne on the cadre of an All-India Service unfilled for a period of three months. If it is intended to leave such a post unfilled for a period exceeding three months or if such a post has been left unfilled for a period exceeding three months, a report shall subject to any rules made in this behalf by the Secretary of State in Council forthwith be made to the Secretary of State and, if the Secretary of State in Council directs that the post be filled, the Governor-General in Council or the Local Government, as the case may be, shall proceed to fill it.

26. Rules regulating the conditions of service, the pay, and allowances and the pensions of members of the All-India Services shall be made by the Secretary of State in Council:

Provided that nothing in this rule shall invalidate any delegation of the power to make rules which was made before these rules came into force.

27. Save as provided by any law for the time being in force or by any rules or orders relating to an All-India Service made by the Secretary of State in Council, no person shall, without the previous sanction of the Secretary of State in Council, be appointed to any post borne on the cadre or reserved for members of an All-India Service except a person who is a member of such Service or is already substantively holding a post borne on the cadre or reserved for a member of such Service.

#### PART IV.—*Central Services, Class I.*

28. All first appointments—

(i) to the Indian Ecclesiastical Establishment, and

(ii) to the Indian Political Department,

shall be made by the Secretary of State in Council:

Provided that the Governor-General in Council may appoint a member of the Indian Civil Service or an officer holding the King's Commission in the Indian Army, or, for special reasons and with the prior approval of the Secretary of State in Council, a member of any other All-India Service, to the Indian Political Department.

29. All first appointments made outside India to the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department shall be made by the Secretary of State in Council.

30. Save as provided by Rules 28 and 29, all first appointments to the Central Services, Class I, shall be made by the Governor-General in Council.

31. (1) Rules regulating the methods of recruitment to the Indian Ecclesiastical Establishment and the Indian Political Department, and to those portions of the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department which are recruited outside India, shall be made by the Secretary of State in Council.

(2) Save as provided in sub-rule (1), the power to make rules regulating the methods of recruitment to the Central Services, Class I, is hereby delegated to the Governor-General in Council.

32. The power to make rules to determine the strength, including both the number and character of posts of the Central Services, Class I, other than the Indian Ecclesiastical Establishment and the Indian Political Department is hereby delegated to the Governor-General in Council.

Provided that any modification of cadre which would adversely affect a person appointed by the Secretary of State in Council to any Central Service, Class I, shall require the previous sanction of the Secretary of State in Council:

Provided further that subject to the limitations specified in Rule 10, the Governor-General in Council may make temporary additions to the cadres of the Indian Ecclesiastical Establishment or the Indian Political Department for the performance of any duties of a temporary character.

33. (1) Rules regulating the conditions of service, the pay and allowances and the pensions of officers of the Indian Ecclesiastical Establishment and the Indian Political Department, and of persons appointed outside India to the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department, shall be made by the Secretary of State in Council:

Provided that nothing in this rule shall invalidate any delegation of the power to make rules which was made before these rules came into force.

(2) Save as provided in sub-rule (1), the power to make rules regulating the conditions of service, the pay and allowances, and the pensions of members of the Central Services, Class I, is hereby delegated to the Governor-General in Council.

#### PART V.—*Central Services, Class II.*

34. All first appointments to the Central Services, Class II, shall be made by the Governor-General in Council or by an authority empowered by the Governor-General in Council in this behalf.

35. The power to make rules regulating the methods of recruitment to the Central Services, Class II, is hereby delegated to the Governor-General in Council.

36. The power to make rules to determine the strength, including both the number and character of posts, of the Central Services, Class II, is hereby delegated to the Governor-General in Council.

37. The power to make rules regulating the conditions of service, the pay and allowances, and the pensions of members of the Central Services, Class II, is hereby delegated to the Governor-General in Council.

#### PART VI.—*Provincial Services.*

38. All first appointments to a Provincial Service shall be made by the Local Government or by an authority empowered by the Local Government in this behalf:

Provided that the previous sanction of the Governor-General in Council shall be required to—

- (a) the appointment to a Provincial Service of any person who is not either a British subject or the subject of a State in India;
- (b) the making of an appointment to a Provincial Service which will adversely affect any person who was a member of such service on the 9th day of March 1926;
- (c) the making of first appointments to a Provincial Service otherwise than (i) by transfer or promotion from another provincial service, whether in the same or in a different province, or by promotion from a subordinate service, or (ii) on the result of a competitive examination, or (iii) after consulting a permanent Board of Selection appointed by the Local Government or a Commission established by a law made under the authorisation conferred by Rule 13 or the Public Service Commission established in accordance with the provisions of section 96C of the Government of India Act, or (iv) in accordance with arrangements approved by the Governor-General in Council; and

- (d) the fixing of standards for admission to any existing Provincial Service, lower than the standards regulating admission to that service on the 9th day of March 1926.

39. Subject to the provisions of Rule 38, the power to make rules regulating the method of recruitment to Provincial Services is hereby delegated to the Local Governments of Governors' Provinces.

40. (1) The power to make rules to determine the strength, including both the number and character of posts, of a Provincial Service in any Governor's Province is hereby delegated to the Local Government:

Provided that no increase of such posts, if it would adversely affect any person who was a member of the corresponding All-India Service on the 9th day of March 1926, shall be made without the previous sanction of the Secretary of State in Council.

Provided also that a reduction in the number of posts in a Provincial Service, if it would adversely affect any person who was a member of such service on the 9th day of March 1926, shall not be made without the previous sanction of the Governor-General in Council.

(2) For the purposes of this rule and of Rule 38, a person who was, on the 9th day of March 1926, holding in an officiating or provisionally substantive capacity a post belonging to a particular service and has been subsequently confirmed in such post without having reverted therefrom, shall be deemed to have been a member of that service on that date.

41. The power to make rules regulating the conditions of service, the pay and allowances, and the pensions of a Provincial Service in any Governor's Province is hereby delegated to the Local Government:

Provided that rules regulating the pay of members of a Provincial Service whilst officiating in posts borne on the cadre of an All-India Service shall be made by the Secretary of State in Council.

#### PART VII.—*Specialist Services.*

42. The Governor-General in Council and the Local Government of a Governor's Province may determine the posts to be held by members of the Specialist Services, and may appoint persons to hold them, and may make rules prescribing the conditions of service, the pay and allowances, and the pensions, if any, of the incumbents of such posts:

Provided that no such post, if its creation would adversely affect any member of an All-India Service or of a service specified in Rule 28 or Rule 29, shall be created without the previous sanction of the Secretary of State in Council.

#### PART VIII.—*Saving for Military Officers.*

43. Notwithstanding anything contained in Part IV, Part V, Part VI, or Part VII—

- (a) rules regulating the methods of recruitment of officers holding the King's Commission on the active list of the Regular Army and the Royal Indian Marine to any Central Service, Class I or Class II, or to any Provincial Service, and rules regulating the conditions of service, the pay and allowances and the pensions of such officers in any such service or in any Specialist Service shall be made by the Secretary of State in Council;

- (b) the number and character of posts for the time being filled by such officers in any Central, Provincial or Specialist Service shall not be altered without the previous sanction of the Secretary of State in Council:

Provided that, subject to the limitations specified in Rule 10, the Governor-General in Council or Local Government may add temporarily to the number of such posts for the performance of duties of a temporary nature.

*PART IX.—Subordinate Services.*

44. The power to make rules providing for the following matters in respect of subordinate services under the administrative control of a Government is hereby delegated to such Government, namely:

- (a) the making of first appointments,
- (b) the methods of recruitment,
- (c) the number and character of posts, and
- (d) conditions of service, pay and allowances and pensions.

*PART X.—Transfers to Foreign Service.*

45. No rule made under the power delegated by Rule 41, Rule 42, or Rule 44 shall permit of—

- (a) a transfer of any person to foreign service without his consent;
- (b) the transfer of any person to foreign service outside India (or in the case of a transfer by the Madras Government to foreign service outside India or Ceylon) save with the previous sanction of the Governor-General in Council;
- (c) the transfer of any person to foreign service in a State in India save in accordance with such restrictions as the Governor-General in Council may from time to time impose.

*PART XI.—Special Provisions by Agreements.*

46. (1) When in the opinion of the controlling authority special provisions inconsistent with any of the foregoing rules or of any rules made thereunder are required in respect of the conditions of service, pay and allowances, and pension of any particular post, or any of them, it shall be open to the controlling authority subject to the provisions of Rule 10, but notwithstanding anything otherwise hereinbefore contained, to provide by agreement with the person appointed to such post for any of the matters in respect of which in the opinion of the controlling authority special provisions are required to be made, and to the extent to which such provisions are made in the agreement nothing in the foregoing rules or in any rules made thereunder shall apply to any person so appointed in respect of any matter for which provision is made in the agreement:

Provided that in every agreement made in exercise of the power conferred by this rule by any controlling authority it shall further be provided that in respect of any matter in respect of which no provision has been made in the agreement the provisions of the foregoing rules or of rules made thereunder shall apply.

(2) When in a case to which sub-rule (1) applies the controlling authority is an authority other than the Secretary of State in Council, it shall be open to the controlling authority, in lieu of exercising the power conferred by sub-rule (1), to request the Secretary of State in Council to enter into an agreement of the nature referred to in sub-rule (1), and it shall be open to the Secretary of State in Council on receipt of such request to enter into such agreement, whereupon all the provisions of sub-rule (1) shall apply in like manner as they apply in the case of an agreement entered into by the controlling authority.

(3) Any agreement of the nature referred to in sub-rule (1) or sub-rule (2) may provide that the person with whom it is made shall not, save in circumstances stated in the agreement, be dismissed otherwise than on payment to him of compensation by the controlling authority or the Secretary of State, as the case may be.

*PART XII.—Conduct and Discipline.*

47. Rules regarding the conduct of members of the All-India Services and of the Indian Political Department and the Indian Ecclesiastical Es-



Establishment shall be made by the Secretary of State in Council. The Secretary of State in Council may declare that these rules, or any of them, with or without modification, shall be applicable to any other service.

48. (1) The Governor-General in Council may make rules to regulate the conduct of members of the Central Services, Classes I and II (except the Indian Political Department and the Indian Ecclesiastical Establishment), of the Specialist Services and of the Subordinate Services under his administrative control.

(2) The Local Government of a Governor's Province may make rules to regulate the conduct of members of the Provincial Services, Specialist Services and Subordinate Services, under its administrative control:

Provided that no rule made in exercise of the power delegated by this rule shall contravene any provision contained in any rules made by the Secretary of State in Council which have been declared under Rule 47 to be applicable to the service concerned.

49. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon members of the services comprised in any of the classes (1) to (5) specified in Rule 14, namely:—

- (i) Censure.
- (ii) Withholding of increments or promotion, including stoppage at an efficiency bar.
- (iii) Reduction to a lower post or time-scale, or to a lower stage in a time-scale.

### No. 86.

Page 368, Appendix 3-A—

Insert the following as "Government of India's decision" under Rule 49 in this Appendix:—

*"Government of India's decision.*—The discharge of a person appointed to hold a temporary appointment before the expiration of the period of his appointment, not being within the scope of clause (b) of the Explanation to Rule 49, amounts to removal or dismissal within the meaning of Rule 49, and is therefore appealable under Rule 56 (a)."

[G. I., H. D., letter No. F.-9/1/30-Ests., dated 22nd November 1930.]

(No. 86, dated the 25th April 1931.)

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Council. ----- Secretary of State in

51. No officer holding the King's Commission on the active list of the Regular Army and the Royal Indian Marine shall be reverted from his civil employment except by order of the Governor-General in Council.

52. Subject to the provisions of these rules, the Governor-General in Council or the Local Government of a Governor's Province may impose—

- (a) any of the penalties specified in clauses (i) to (v) of Rule 49 on any person included in any of the classes (1) to (5) specified in Rule 14 who is serving under the administrative control of the Governor-General in Council or the Local Government, as the case may be,
- (b) the penalty specified in clause (vi) or in clause (vii) on any such person not being one of those referred to in Rule 50.

53. Subject to such conditions, if any, as he may prescribe, the Governor-General in Council may delegate—

- a) to a Chief Commissioner his power to impose any of the penalties specified in clauses (i) to (v) of Rule 49 on members of services under the administrative control of the Chief Commissioner,
- b) to any authority subordinate to him his power to impose any of the penalties specified in clauses (i) to (v) of that rule on members of Specialist Services.
- c) to any authority subordinate to him his power to impose any of the penalties specified in that rule on members of a Central Service, Class II.

54. The power to make rules prescribing the penalties that may be imposed on members of Subordinate Services under the administrative control of a Government, the authorities which may impose such penalties, the appeals which may be preferred from orders imposing such penalties, the conditions subject to which and the authorities by which such orders may be reversed or altered in cases in which no appeal lies or in which no appeal is preferred, is hereby delegated to such Government:

Provided that, when such rules empower a subordinate authority to impose a penalty, provision shall be made in the rules for at least one appeal to a higher authority from an order imposing such penalty.

55. Without prejudice to the provisions of the Public Servants Inquiries Act, 1850, no order of dismissal, removal or reduction shall be passed on a member of a Service (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so direct, an oral inquiry shall be held. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

This rule shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the rule and those requirements can be waived without injustice to the person charged.

## No. 84.

*Pages 369-370, Appendix 3-A—*

*Substitute the following for the existing sub-section (i) of paragraph (b) of rule 56 in this Appendix:—*

- “(i) he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated;”

of contract continuous service for a period exceeding five years at the time when his services are terminated; or

(ii) he comes under the provision of Rule 58 (3):

Provided that a person appointed by the Governor-General in Council shall have no right of appeal from an order passed by the Governor-General in Council.

57. (1) A member of an All-India Service may appeal from the order of a Local Government to the Governor-General in Council, and from an order, original or appellate, of the Governor-General in Council to the Secretary of State in Council.

(2) A member of a Central Service who was appointed by the Secretary of State in Council, or is an officer holding the King's Commission on the active list of the Regular Army or the Royal Indian Marine and a member of a Specialist Service under the administrative control of the Governor-General in Council who was appointed by the Secretary of State in Council, may appeal from an order passed by an authority subordinate to the Governor-General in Council (which expression in this rule includes a Chief Commissioner) to the Governor-General in Council, and from an order, original or appellate, of the Governor-General in Council to the Secretary of State in Council.

(3) A member of a Central Service appointed by the Governor-General in Council, or a member of a Specialist Service appointed by the Governor-General in Council, may appeal to the Governor-General in Council from an order passed by an authority subordinate to the Governor-General in Council.

(4) A member of a Central Service appointed by an authority subordinate to the Governor-General in Council may appeal to such authority from an order passed by an authority subordinate to it, and to the Governor-General in Council from an original order passed by the authority which appointed him.

(5) A member of a Provincial Service, or a member of a Specialist Service under the administrative control of the Local Government of a Governor's Province, may appeal to the Governor from an order passed by the Local Government:

Provided that any such person who was appointed by the Secretary of State in Council shall be entitled as an alternative to the appeal to the Governor to appeal to the Governor-General in Council, and, if his pay as defined in the Fundamental Rules is not less than Rs. 500 per mensem, thereafter to the Secretary of State in Council:

Provided also that any Deputy Collector to whom the provisions of section 25 of Bengal Regulation IX of 1833 apply shall be entitled as an alternative to the appeal to the Governor to appeal to the Governor-General in Council.

(6) A member of a Provincial Service holding a post under the administrative control of the Governor-General in Council may appeal from an order passed by a Chief Commissioner to the Governor-General in Council.

58. (1) Every member of a service other than a subordinate service shall be entitled to appeal to the authority hereinafter specified against any order passed by an authority subordinate to the said authority which—

(a) alters to his disadvantage his conditions of service, pay, allowances or pension as regulated in rules or in a contract of service, or

(b) interprets to his disadvantage the provisions of any rules or contract of service whereby his conditions of service, pay, allowances or pension are regulated.

\* (2) The authority hereinbefore referred to shall be the authority which made the rule to which the order under appeal relates, or in the case of an appeal relating to a contract of service, the authority which appointed.

the appellant: Provided that where the rule or the appointment was made by the Local Government of a Governor's Province the appeal shall lie to the Governor.

(3) Every person appointed by the Secretary of State in Council shall be entitled to appeal to the Secretary of State in Council against an order of any subordinate authority terminating his employment or giving notice of such termination otherwise than on his reaching the age of superannuation.

59. In the case of an appeal against an order imposing any penalty specified in Rule 49, the appellate authority shall consider—

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such order as it thinks proper.

60. In the case of an appeal against an order under Rule 58, the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

61. An authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

62. Every person preferring an appeal shall do so separately and in his own name.

63. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

64. An appeal may be withheld by a Local Government or the Governor-General in Council if—

(1) it is an appeal in a case in which under these rules no appeal lies, or

(2) it does not comply with the provisions of Rule 63, or

(3) it is not preferred within six months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay, or

(4) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reasons for it:

Provided also that an appeal withheld on account only of failure to comply with the provisions of Rule 63 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with those provisions, shall not be withheld.

65. No appeal shall lie against the withholding of an appeal by a competent authority.

66. Every appeal from a person serving under a Local Government to the Governor-General in Council or the Secretary of State in Council which is not withheld under these rules shall be forwarded by the Local Government to the Governor-General in Council with an expression of opinion. Every appeal to the Secretary of State in Council which is received by the Governor-General in Council from a Local Government or from the head of a department under the Governor-General in Council and

which is not similarly withheld shall be transmitted by the Governor-General in Council with an expression of his opinion.

Provided that appeals to the Secretary of State in Council presented through the Local Government of Madras, or of Bombay or of Bengal, which are not withheld under these rules, shall be forwarded direct to the Secretary of State in Council by the Local Government unless the appeal relates to a case which has previously been under the consideration of the Governor-General in Council, in which case it shall be forwarded to the Governor-General in Council.

67. The Local Government shall forward quarterly to the Governor-General in Council a list of appeals to the Governor-General in Council or the Secretary of State in Council which have been withheld by the Local Government together with the reasons for withholding the same. The Governor-General in Council shall in the same manner forward quarterly to the Secretary of State a list of appeals to the Secretary of State in Council which have been withheld by a Local Government or by the Governor-General in Council.

68. The Secretary of State in Council may call for any appeal withheld by a Local Government or the Governor-General in Council which under these rules may be made to him, and may pass such orders thereon as he considers fit; and the Governor-General in Council may call for an appeal withheld by a Local Government which under these rules may be made to him, and may pass such orders thereon as he considers fit.

69. Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after, these rules came into force shall be deemed to be an appeal under these rules, and Rules 59 or 60 (as the case may be) and 61 shall apply as if the appeal were against an order appealable under these rules.

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#### SCHEDULE I.—ALL-INDIA SERVICES.

(See RULE 15.)

- (1) Indian Civil Service.
- (2) Indian Police Service.
- (3) Indian Agricultural Service.
- (4) Indian Educational Service.
- (5) Indian Forest Service.
- (6) Indian Forest Engineering Service.
- (7) Indian Medical Service (Civil).
- (8) Indian Service of Engineers.
- (9) Indian Veterinary Service.
- (10) Indian General Service.

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#### SCHEDULE II.—CENTRAL SERVICES, CLASS I.

(See RULE 16.)

1. Indian Audit and Accounts Service.
2. Mint and Assay Departments.
3. Imperial Customs Service.
4. Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.

**Rule 7.**—With regard to this rule the Secretary of State has made the following observations and requested that the position should be made clear to local Governments:—

appointment to another service takes place, the officer's position in relation to his original service should be considered and definitely decided at the time of that appointment.

**Rule 3.**—This rule makes the rules apply "to every person in the whole-time civil employment of a Government in India", with exceptions that are important. In the first place, it is laid down that the rules do not apply at all to persons "employed only occasionally or subject to discharge at less than one month's notice". It was considered proper to exclude entirely from the rules such humble employees as *punkha* pullers, dāk bungalow chawkidars and casual artisans: employees not entitled to regard themselves as settled in Government service for the rest of their working days, and whose general conditions of service would not be appreciably different if they were working for a private employer.

Of the other exceptions, local Governments are concerned with those marked (a) and (c) and the attached proviso. Exception (a) saves the operation of separate enactments of local Governments.

### No. 85.

Page 373, Appendix 3-A—

Insert the following Annexure to this Appendix:—

#### "ANNEXURE.

*Running Commentary on the Civil Services (Classification, Control and Appeal) Rules.*

**Rule 2 (b).**—This differs somewhat from Rule 2 of the draft accompanying Home Department letter No. F-178/15/24, dated the 14th October 1926. On reconsideration it was decided that the general principle should be that, when an officer becomes a member of a service other than the service in which he first secured appointment to the service of the Crown in India, he should be deemed to have been "appointed" for the purposes of the Rules by the authority which appointed him to the former service. But provision is made for exceptions to this general principle where the authority that appointed him to the service of which he is for the time being a member is subordinate to the authority which first appointed the officer to the service of the Crown in India. The intention is (*vide* Rule 22) that when such an

Secretary of State expressed a fear that to require Governments to make and apply statutory rules for officials of the lowest grades would place too heavy a burden upon the administration; and he introduced sub-rule (1) of this Rule so that Governments might be enabled, if they so desire, to place ministerial and menial officers under a régime of executive orders, in whole or in part, instead of a régime of rules. The extent to which the Government of India should have recourse to this sub-rule in the case of their own servants has not yet been decided. If local Governments so desire, the decision of the Government of India, when it is reached, will be communicated to them.

Sub-rule (2), within the limitations of the proviso attached to it, enables Governments to deal in a similar manner with officers above the status of ministerial and menial officers whom they may find it impossible to fit into the Rules despite the provisions of Rule 46. Such cases will presumably be rare.

The terms "ministerial" and "menial" are not defined in these Rules. It was thought that they would be capable of interpretation without definition.

**Rule 5.**—Is inserted as a precaution against disputes.

**Rule 6.**—Is intended to afford a safeguard against a rule which adversely affects any officer protected by Rule 9. If the Secretary of State decides that



was that no limitations on the powers of local Governments were required because they would be checked in any extravagance by the control exercised by the legislatures. On reconsideration, the Secretary of State has decided to impose upon all Governments including the Government of India the pay limits set out in this Rule. He considers that these limits should afford all the latitude normally required, and that posts carrying salaries in excess of them are likely to be of such a character that it will in any case be desirable that he should be apprised of, or approve, their creation. Consequential amendments will be made in the Audit Resolutions and in Schedule III to the Devolution Rules.

*Rule 11.*—In the draft which formed the enclosure to Mr. Haig's letter, dated the 14th October 1926, no reference was made to provident funds and it was stated against Rule 4 in the explanatory Memorandum attached to the draft that the omission was made because the question of permitting local Governments to establish their own provident funds and the conditions which it might be necessary to impose were still under consideration. It has since been agreed that the omission to mention provident funds would have left local Governments free to create provident funds for their servants on such conditions as they chose (and that the Delegation Rules, 1926, already have that effect), since provident funds are embraced by the term "conditions of service". The facts that the *corpus* of provident funds is carried at interest by the Government of India, that all withdrawals are withdrawals from Central resources, and that any other arrangement would raise large questions of inter-Government finance which it would be inappropriate to raise on such a side issue, have led to the decision embodied in this Rule. So far as the Government of India are aware, no local Government has exercised the power conferred by the Civil Services (Governors' Provinces) Delegation Rules, and they hope that none is likely to be inconvenienced by the restriction now imposed.

*Rule 12.*—This rule differs from rule 7 of the draft enclosed with Mr. Haig's letter, dated the 14th October 1926, by containing the words "for reasons to be recorded in writing" and the sentence "but no such relaxation shall be made without the concurrence of the Governor, or the Governor-General, as the case may be". The Secretary of State, while agreeing that every rule-making authority must possess the means, in the last resort, of dispensing with the provisions of its rules in individual cases, considered it essential to add these qualifications, holding that a dispensing power has its risks and embarrassments and needs to be employed sparingly and with judgment.

*Rule 13.*—Reproduces Rule 5 of the Civil Services (Governors' Provinces) Delegation Rules, 1926, published with the Home Department notification No. F-26/5/28-Ests., dated the 15th October 1928. The words "or the holder of a Special Post" are, however, an anachronism which, when a suitable occasion offers, the Secretary of State will be invited to correct.

*Rule 14.*—Regard being had to the facts that there are no actual services proper which have hitherto been designated "Specialist Services", that a considerable variety of status is already provided in the other five classes specified in this Rule and that the General Service category provides accommodation for "Special Posts", the presence of the "Specialist Services" Class calls for explanation. The explanation is that many posts "of a special or technical character, not included in All-India or Provincial Service" have been declared by local Governments to be "Special Posts" under Rule V of the Civil Services (Governors' Provinces) Classification Rules. It was anticipated that this may have created a conception of peculiar status in the incumbents of those posts and that they might consequently resent being relegated to a sub-division of the "Provincial Services". Whether such a feeling exists and whether it warrants such recognition in face of the fact that the "Provincial Services" will now include services which were recently of All-India status, will be a matter for decision by each local Government. Whether the Government of India will need to include any of their servants in this Class is doubtful, but has not yet been decided.





**Rule 22.**—The main object of this Rule is to cover the common case of an officer of an All-India Service who is appointed to a post included in a Central Service. The words "without his consent" are intended to provide for cases such as have occasionally arisen, in which an officer unfit for higher charges has agreed to being removed from an All-India Service to the connected Provincial Service as an alternative to being removed from Government service altogether.

**Rule 23.**—With reference to the saving clause of this Rule see paragraph 7 of the Home Department letter No. F.-178/15/24-Ests., dated the 14th October 1926.

**Rule 24.**—The words "rule made in this behalf by the Secretary of State in Council" used here and in Rule 25 have reference to the All-India Services (Transferred Departments) Replacement Rules, which were published with the Home Department Notification No. F.-98/III/28-Ests., dated the 31st January 1929.

**Rule 25.**—Embodies the decision contained in paragraph 5 of the Home Department letter No. F.-272/23, dated the 16th September 1926.

Regulation 3 of the Resolutions under Rule 12 of the Devolution Rules will be brought into conformity with this Rule.

**Rule 26.**—The intention of the proviso is to avoid doubts as to the saving of delegations already effected by rules in the Fundamental Rules.

**Rule 27.**—With certain modifications, this reproduces Rule VII of the Civil Services (Governors' Provinces) Classification Rules. The proviso to that rule, that the local Government may appoint a member of the Indian Civil Service to the post of Inspector General of Police or Director of Agriculture, is omitted for the reasons given in paragraph 8 of the Home Department letter No. F.-178/15/24-Ests., dated the 14th October 1926. The reference to any law for the time being in force is necessitated by the provisions of sections 99 and 100 of the Government of India Act. The other modifications need no explanation.

**Rule 28.**—Reproduces the substance of Rule XII-A. (1) of the Civil Services (Governors' Provinces) Classification Rules, as amended in the Home Department Notification No. F.-26/7/23-Ests., dated the 10th May 1929, with the modifications mentioned below:—

- (i) the words "by transfer or promotion from another provincial service whether in the same or in a different province or" in sub-clause (i) of clause (c) of the proviso are inserted in order to enable local Governments, subject to the provisions of clause (b), to promote officers from a lower to a higher (e.g., from a class II to a class I) Provincial Service, or to transfer officers from a provincial service in one province to a provincial service in another province;
- (ii) the words "or a Commission established by a law made under the authorisation conferred by Rule 13" are consequential on Rule 13.

**Rule 29.**—Reproduces the substance of Rule 3 of the Civil Services (Governors' Provinces) Delegation Rules, 1926, as amended in the Home Department Notification No. F.-26/7/23-Ests., dated the 10th May 1929.

**Rule 40.**—Is based on sub-rules (2) and (3) of Rule XII-A. of the Civil Services (Governors' Provinces) Classification Rules. The words "or reduction" are omitted from the first proviso to sub-rule (1) because they are unnecessary to the intention of the proviso.

**Rule 41.**—Is based on Rule 4 of the Delegation Rules. With Reference to the proviso, see Home Department letter No. F.-101/26-Ests., dated the 24th November 1927.

**Rule 44.**—See in this connection paragraph 10 of the Home Department letter No. F.-178/15/24-Ests., dated the 14th October 1926.

**Rule 45.**—An effect of the Civil Services (Governors' Provinces) Delegation Rules was to remove the restrictions imposed by Fundamental Rule 110 on



the powers of local Governments to transfer officers under their administrative control to foreign service outside India or in an Indian State. That result was not intended, and this Rule reimposes those restrictions. The Government of India are not at present prepared to waive the control conferred upon them by sub-rule (c) of Fundamental Rule 110; and, for the rest, since there are, generally speaking, no direct relations between local Governments and foreign powers, a case was hardly likely to arise in which a local Government would transfer one of its officers independently to foreign service outside India.

*Rule 46.*—Special provisions by agreement will mostly be required for members of “General Services”, but it is not the intention to restrict the use of agreements to them. For example, the agreement entered into by members of the Indian Police Service, which contains numerous provisions not stated in statutory rules, *e.g.*, provision for a free passage on appointment, and for probation and discharge, would be covered by this Rule; and until the statutory rules have been extended very considerably beyond their present scope, such agreements will be required even for members of ordinary permanent services.

It is not contemplated that a contract of service should contain an exhaustive definition in terms of the conditions of service. The aim is to secure that the terms of any contract or agreement entered into with any officer in the civil service of the Crown should be maintained intact, the statutory rules applying on all points upon which the agreement is silent. This is made clear in the proviso read with Rule 3.

Sub-rule (2) of this Rule is intended to enable the Secretary of State (on an application from the Government concerned) to appoint under agreement an officer who would ordinarily be appointed by the Governor-General in Council or the local Government concerned. No doubt circumstances in which such application would be made would be very exceptional, for example, where advice of eminent consulting engineers was required who desired to execute terms of engagement with the Secretary of State in Council; but it seemed desirable to make formal provision for such cases.

Sub-rule (3) embodies the Secretary of State's decision on the question of granting compensation to officers employed on contract which was raised in paragraph 88 of the Lee Commission's Report and dealt with in paragraph 3 (i) of the Home Department letter No. 201/1/24-Ests., dated the 14th May, 1925. As regards the method and machinery for the assessment of compensation, I am to forward a copy of the correspondence noted below for the information and guidance of the local Government:—

- (1) Despatch to the Secretary of State, No. 9, dated the 4th July 1929, and enclosure.
- (2) Telegram from the Secretary of State, No. 1094, dated the 31st December 1929.

*Rules 47 and 48.*—See in this connection paragraph 11 of the Home Department letter No. F-178/15/24-Ests., dated the 14th October 1926.

*Rule 49.*—See paragraphs 15 and 16 of the Home Department letter No. F-178/15/24-Ests., dated the 14th October 1926. The “Explanation” covers the provisions contained in Rule XX of the Civil Services (Governors' Provinces) Classification Rules and adds a reference to the discharge of a person in accordance with the terms of his contract.

*Rule 52.*—Although it is not provided in the Rule itself, the intention is that lent officers should not be punished except after consultation with the authority which lent them.

*Rule 53.*—For the reasons why local Governments are not empowered to delegate their powers of punishment of members of Provincial or Specialist Services, see paragraph 12 of Home Department letter No. F-178/15/24-Ests., dated the 14th October 1926.

*Rule 54.*—See in this connection the reference given against Rule 44. The words “the conditions subject to which and the authorities by which such orders may be reversed or altered in cases in which no appeal lies or in which



5. Indian Posts and Telegraphs Traffic Service (Class I).
6. Geological Survey of India (Class I).
7. Indian Meteorological Service (Class I).
8. Mines Department (Class I).
9. Archaeological Department.
10. Zoological Survey of India.
11. Survey of India, Class I.
12. Indian Ecclesiastical Establishment.
13. Political Department of the Government of India.
14. Medical Research Department (excluding ...)

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- (e) Sub-rule (3) is new. Generally speaking, contracts made by the Secretary of State do and will provide for termination of service at notice by the employing Government in India. As the Secretary of State saw the possibility that this right might be exercised without due regard to the equitable exceptions of permanent employment with which the officer entered the service, he considered that the officer, as a person appointed by the Secretary of State in Council, should have a right of appeal to that authority if aggrieved by the order terminating his service. The class of case is not a large one.
- (f) The "Explanation" has been omitted as being superfluous. There should never be a rule or contract of service purporting to, or capable of being construed as purporting to, entitle an officer to selection for a selection post.

*Rule 59.*—The words "either confirming the order appealed against or remitting, reducing or increasing the penalty" which appeared at the close of Rule 51 of the draft enclosed with Mr. Haig's letter, dated the 14th October 1926, have been omitted because they were considered unduly restrictive of the discretions of appellate authorities and would have barred, for instance, an order for compensation such as is contemplated by section 72-D (3) (v) of the Act.

*Rules 60-69.*—Are based on Rules XXI to XXIX-B. of the Civil Services (Governors' Provinces) Classification Rules."

[G. I., H. D., letter No. F-9/1/30-Ests., dated 8th July 1930.]

(No. 85, dated the 25th April 1931.)

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*(vi) Presidency Postmaster.*

*(vii) Postmaster, Rangoon.*

*(viii) Superior Traffic Branch, 1st Division."*

[G. I., I. & L. D., letter No. S. A.-101 (1), dated 4th August 1931.]

(No. 83, dated the 25th April 1931.)

## APPENDIX No. 4.

(Delegations made by the Governor-General in Council under fundamental rules 4 and 6.)

Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
1	9 (6) (b).	Power to issue orders that Government servants should in certain circumstances be treated as on duty.	Chief Commissioners .	Full power.
2	9 (17)	Power to declare a Government servant to be a ministerial servant.	All heads of departments	Full power.
3	9 (19)	Power to appoint a Government servant to officiate in a vacant post.	Any authority which has power to make a substantive appointment to the post.	Full power.
4	10	Power to dispense with a medical certificate of fitness, before appointment to Government service, in individual cases.	1. Chief Commissioners 2. First class Political Residents. 3. Departments of the Government of India. 4. Railway Board . 5. Director-General, Posts and Telegraphs. 6. Inspector-General of Forests. 7. Commissioner, Northern India Salt Revenue. 8. All heads of departments. 9. Military Secretary to His Excellency the Viceroy.	} Full power. } Full power in the case of Government servants not directly appointed by the Government of India. } Full power in the case of non-gazetted servants. } Full power in the case of the non-gazetted Public Works Department establishment employed on the Viceregal Estates, excepting the Divisional Accountant.

Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
5	13	Power to suspend a lien	<ol style="list-style-type: none"> <li>1. Chief Commissioners</li> <li>2. First class Political Residents.</li> <li>3. Departments of the Government of India.</li> <li>4. Railway Board .</li> <li>5. Auditor General .</li> </ol>	<p>} Full power.</p> <p>Full power, provided that the Government servant whose lien is suspended does not hold a post superior to that of an Assistant Accounts Officer.</p>
			<ol style="list-style-type: none"> <li>5-A. Controller of Civil Accounts.</li> </ol>	<p>Full power, provided that they are authorised to make appointments to the post on which the lien is held.</p>
			<ol style="list-style-type: none"> <li>6. All heads of departments.</li> </ol>	<p>Full power in the case of the non-gazetted Public Works Department establishment on the Viceregal Estates, excepting the Divisional Accountant.</p>
			<ol style="list-style-type: none"> <li>7. Military Secretary to His Excellency the Viceroy.</li> </ol>	
6	14	Power to transfer a lien.	<ol style="list-style-type: none"> <li>1. Auditor General .</li> <li>2. All heads of departments.</li> </ol>	<p>Full power.</p> <p>Full power, provided that they are authorised to make appointments to both the posts concerned.</p>
			<ol style="list-style-type: none"> <li>3. Military Secretary to His Excellency the Viceroy.</li> </ol>	<p>Full power in the case of the non-gazetted Public Works Department establishment employed on the Viceregal Estates, excepting the Divisional Accountant, provided that the Military Secretary is authorised to make appointments to both the posts concerned.</p>



Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated,
1	2	3	4	5
7	20	Power to reduce the pay and allowances of a Government servant treated as on duty.	Any authority which has power to make a substantive appointment to the post which the Government servant holds.	Full power.
8	24	Power to withhold increments.	<ol style="list-style-type: none"> <li>1. Chief Commissioners</li> <li>2. Any authority which has power to make a substantive appointment to the post which the Government servant holds.</li> <li>3. Directors, Telegraph Engineering.</li> <li>4. Divisional Telegraph Engineers.</li> <li>5. Officers in Charge of Telegraph Engineering Sub-Divisions.</li> <li>6. Accounts Officers, in charge of Telephone Accounting Offices.</li> </ol>	<p>Full power.</p> <p>Full power in respect of non-gazetted Government servants.</p> <p>Full powers in respect of all establishments under them below the rank of Sub-Inspectors provided that a report is sent to the Divisional Engineer, Telegraphs in each case.</p> <p>Full powers in respect of the clerical and menial establishments under their control, provided that a report is sent to the Director of the circle concerned in each case.</p>
8-A	26	Power to allow Government servants to count extraordinary leave for increments.	<ol style="list-style-type: none"> <li>1. Chief Commissioners</li> <li>2. Any authority which has power to make a substantive appointment to the post which the Government servant holds.</li> <li>3. Directors, Telegraph Engineering.</li> <li>4. Divisional Telegraph Engineers.</li> </ol>	<p>Full power.</p> <p>Full power in respect of non-gazetted Government servants.</p>

number. er of funda- tal rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
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## No. 15.

Page 377, Appendix 4—

Insert the following in columns 4 and 5 *against* Serial No. 9 in this Appendix:—

“	5. Chief Engineer, Central Public Works Department.	Full power in respect of the establishment employed on works other than provincial works in the Delhi Province provided that the pay of all the grades or classes is within his powers of sanction.”
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[G. I., F. D., Correction No. 165 (S. R.), dated 13th October 1930.]

## No. 16.

Page 377, Appendix 4—

Insert the following in columns 4 and 5 *against* Serial No. 10 in this Appendix:—

“	6. Chief Engineer, Central Public Works Department.	Full power in respect of the establishment employed on works other than provincial works in the Delhi Province provided that the maximum pay of the time-scale is within his powers of sanction.”
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[G. I., F. D., Correction No. 165 (S. R.), dated 13th October 1930.]

(No. 16, dated the 25th April 1931.)

## No. 119.

Page 377, Appendix 4—

Cancel Serial Nos. 9 and 10 of this Appendix.

(This amendment takes effect from the 18th March 1930.)

[G. I., F. D., Correction No. 181 (S. R.), dated 10th July 1931.]

(No. 119, dated the 25th July 1931.)

		is personal.		
12	35	Power to reduce the pay of an officiating Government servant.	Any authority which has power to make an officiating appointment to the post concerned.	Full power.
13	36	Power to issue general or special orders allowing acting promotions to be made in the place of Government servants treated as on duty.	1. Chief Commissioners	Full power.

Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
			2. Director General of Posts and Telegraphs.	Full power provided that the officials in whose place acting promotions are made are not officials directly appointed by the Governor-General in Council.
14	40	Power to fix the pay of a temporary post which will probably be filled by a Government servant.	Any authority which has power to create a temporary post on the pay fixed.	Full power.
15	42	Power to make a subsistence grant to a Government servant under suspension.	The suspending authority.	Full power.
16	42	Power to make a subsistence grant to a Government servant appointed in the United Kingdom who is prevented by illness from proceeding to the seat of Government or to any station to which he is ordered to proceed direct.	Chief Commissioners.	Full power.
17		<i>Deleted.</i>		
18		<i>Deleted.</i>		
19	45A-V and 45B-V.	Power to grant rent-free accommodation or to reduce rent.	Chief Commissioner	Full power where the residence is in the occupation of an officer whose pay does not exceed Rs. 100 a month.
19 A	45A-V and 45B-V.	Power to waive or reduce rent.	Chief Commissioner	Full power where the whole or part of a residence is uninhabitable owing to extensive structural repairs or from any other cause.

Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
20	49	Power to appoint a Government servant to hold temporarily or to officiate in more than one post, and to fix the pay of subsidiary posts and the amount of compensatory allowances to be drawn.	<p>1. All heads of departments.</p> <p>2. Military Secretary to His Excellency the Viceroy.</p>	<p>Full power, provided that they have power to appoint a Government servant permanently to each of the posts concerned.</p> <p>Full power in the case of the non gazetted Public Works Department establishment employed on the Vice-regal Estates, excepting the Divisional Accountant, provided that the Military Secretary has the power to appoint a Government servant permanently to each of the posts concerned.</p>
21	56 (a)	Power to retain Government servants, other than ministerial servants, in service after the age of 55 years.	<p>1. Chief Commissioners</p> <p>2. First class Political Residents.</p> <p>3. Departments of the Government of India.</p> <p>4. Railway Board.</p> <p>5. Director-General, Posts and Telegraphs.</p> <p>5-A. Central Board of Revenue.</p> <p>6. Surveyor General.</p> <p>7. Inspector General, Forests.</p> <p>8. Commissioner, Northern India Salt Revenue.</p>	<p>Full power, provided that extensions are limited to a period of one year at a time.</p> <p>Full power in the case of Government servants not directly appointed by the Government of India, provided that extensions are limited to a period of one year at a time.</p>

Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
			9. Auditor General	Full power in the case of officers of class II of the general list, assistant account officers and assistant audit officers, subject to report to the Governor-General in Council when such a Government servant is retained in service after 60 years of age, provided that extensions are limited to a period of one year at a time.
			9-A. Commissioners of Income Tax.	Full power in the case of Income Tax officers, provided that extensions are limited to a period of one year at a time.
			9-B. Contoller of Civil Accounts.	Full power in the case of Assistant Accounts Officers.
			10. All heads of departments.	Full power in the case of non-gazetted subordinates, provided that extensions are limited to a period of one year at a time.
			11. Manager, Government of India Press.	
			12. Chief Medical Officer in Central India.	Full power in case of non-gazetted subordinates, provided that extensions are limited to a period of one year at a time.
			13. Superintending Engineer in Central India.	
			14. Excise Commissioner in Central India and Adviser on Opium Affairs for Central India and Raj-	

Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
			15. Military Secretary to His Excellency the Viceroy.	Full power in the case of the non-gazetted Public Works Department establishment employed on the Viceregal Estates, excepting the Divisional Accountant provided that extensions are limited to a period of one year at a time.
22	56 (b)	Power to retain a ministerial servant in service after the age of 60 years.	<ol style="list-style-type: none"> <li>1. All heads of departments.</li> <li>2. Manager, Government of India Press.</li> <li>3. Military Secretary to His Excellency the Viceroy.</li> </ol>	<p>Full power, provided that extensions are limited to a period of one year at a time.</p> <p>Full power in the case of the non-gazetted Public Works Department establishment employed on the Viceregal Estates, excepting the Divisional Accountant provided that extensions are limited to a period of one year at a time.</p>
23	56(c) (iv).	Power to grant a three months' extension of service to an engineer who has attained the age of 55.	<ol style="list-style-type: none"> <li>1. Chief Commissioners.</li> <li>2. The Public Works Department of the Government of India.</li> <li>3. Railway Board.</li> </ol>	Full power.
24	71	Power to require a medical certificate of fitness before return from leave.	The authority granting the leave.	Full power.
25	73	Power to extend leave.	The authority which granted the leave.	Full power, provided that the Government servant on leave will, on his return, be under the authority's administrative control.
26	83	Power to grant special disability leave.	Chief Commissioners.	Full power.

Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
27	Note 2 under rule 89.	Power to decide the period of leave on unrestricted average pay which may be taken by a Government servant transferred to a vacation department with leave at his credit	1. Chief Commissioners 2. Departments of the Government of India. 3. Railway Board.	Full power.
28	100	Power to grant leave to a military officer subject to the military leave rules.	All heads of departments.	Full power, provided that they are empowered to appoint the officer to the post in civil employ which he holds.
29	110(c)	Power to sanction transfer to foreign service in India.	1. Chief Commissioners 2. First class Political Residents. 3. Departments of the Government of India 4. Railway Board. 5. Second class Political Residents. 6. Inspector-General, Forests. 7. Commissioner, Northern India Salt Revenue. 8. Auditor General 8-A. Controller of Civil Accounts. 9. All heads of departments.	Full power, subject to the conditions in serial No. 30. Full power, subject to the conditions in serial No. 30. Full power, subject to the conditions in serial No. 30, in the case of Government servants not directly appointed by the Government of India. Power in the case of assistant account officers. Full power subject to the conditions in serial No. 30 in the case of Assistant Accounts Officers, Accountants and clerks. Full power, subject to the conditions in serial No. 30, in the case of non-gazetted Government servants.

Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
30	114	Power to fix pay in foreign service.	<p>10. Military Secretary to His Excellency the Viceroy.</p> <p>1. Foreign and Political Department of the Government of India.</p> <p>2. Authorities to whom power is delegated by serial No. 29.</p>	<p>Full power in the case of the non-gazetted Public Works Department establishment employed on the Vice-regal Estates, excepting the Divisional Accountant, subject to the conditions in serial No. 30.</p> <p>In the case of transfers to foreign service in an Indian State, the full powers delegated to a local Government in the general orders issued by the Governor General in Council under fundamental rule 114 (<i>vide</i> Appendix 11).</p> <p>Full power, provided that—</p> <p>(a) The pay fixed does not exceed by more than 25 per cent. the substantive pay last drawn by the Government servant in Government service.</p> <p>(b) The pay is not at any time so increased as to exceed by more than 25 per cent. the pay which the Government servant would draw if he were in Government service.</p> <p>(c) No concessions are sanctioned in addition to pay, except—</p> <p>(i) payment by the foreign employer of leave and pension contributions, and</p>



Serial number.	Number of fundamental rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
31	125	Power to decide the date of reversion of a Government servant returning, after leave, from foreign service.	1. Chief Commissioners. 2. First class Political Residents. 3. Departments of the Government of India. 4. Railway Board.	(ii) grant of travelling allowance under division VI of these rules.  } Full power.
32	127(c)	Power to reduce the amount of recoveries on account of establishment employed for the benefit of particular persons.	1. Chief Commissioners 2. First class Political Residents. 3. Departments of the Government of India. 4. Railway Board.	} Full power, in cases where the actual expenditure in any period falls considerably short of the sanctioned cost.
33	130	Power to allow previous service under a local fund to count as duty in Government service.	1. Departments of the Government of India. 2. Railway Board.	} Full power.

## APPENDIX No. 5.

[Fundamental Rule 9 (20).]

**Secretary of State's rules regulating the grant of Overseas Pay.***(Government of India, Finance Department, Resolution No. 1533-Ex., dated the 5th July 1923.)*

In exercise of the powers conferred by section 96-B (2) of the Government of India Act, the Secretary of State for India in Council has been pleased to make the following rules regulating the grant of overseas pay to members of services or to holders of posts for which he has sanctioned such pay.

2. The Secretary of State in Council has decided that these rules shall have effect from the 3rd January 1921, and that the principles laid down in the rules shall be applied retrospectively from the dates on which overseas pay came into force for the various services or posts concerned. The object of the grant of retrospective effect is to place the grant of overseas pay on a uniform basis from its inception. An officer not entitled to overseas pay under these rules will not, however, be required to refund any amounts which he may have drawn in good faith.

3. It will be observed that under the rules an officer who has been promoted to an Imperial Service from a provincial or subordinate service or from an outside post and is of non-Asiatic domicile is entitled, subject to the proviso in Rule 1 (a), to overseas pay from the date on which he became a member of the service. It has been decided that an officer who is admitted to an Imperial Service by promotion should become a member of that service in all respects and that there is no valid reason why he should be treated differently, in respect of overseas pay, from members of the service recruited from other sources. This decision will not, however, supersede that embodied in clause (1) of the Home Department Resolution No. 1260, dated the 24th June 1920, because Provincial Civil Service officers on appointment to hold listed Indian Civil Service posts do not become members of the Indian Civil Service; they remain members of the Provincial Civil Service and it is considered that the pay fixed for them is a fair remuneration independently of overseas pay.

**OVERSEAS PAY.**

1. Overseas pay at the rate or rates sanctioned for a particular service or post may be drawn by the following classes of officers serving in such service or holding such post, namely:—

- (a) any officer having at the date of his appointment to such service or post his domicile elsewhere than in Asia:

Provided that no such officer shall be entitled to this concession who, prior to such appointment, has for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments or other privilege, claimed or been deemed to be a native of India;

- (b) any officer having at the date of his appointment his domicile in Asia, to whom this concession has been extended by any general or special order of the Secretary of State in Council.

2. For the purposes of these rules, the domicile of a person shall be determined in accordance with the provisions set out in the Schedule to these rules:

Provided that a person who was born and has been educated exclusively in Asia, and has not resided out of Asia for a total period exceeding six months, shall be deemed to have his domicile in Asia.

3. No officer who after his appointment to a service or post acquires a new domicile shall thereby lose his right to or become entitled to overseas pay.

4. If any question arises as to the domicile of any officer at the time of his appointment, the decision thereon of the Secretary of State in Council, in the case of persons appointed by him, of the Governor-General in Council in the case of persons appointed by him, or of the local Government in the case of persons appointed by them, shall be final.

## THE SCHEDULE.

### PROVISIONS FOR THE DETERMINATION OF DOMICILE.

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

*Explanation 1.*—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

*Explanation 2.*—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin :

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband :

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

## APPENDIX No. 5A.

*[Orders issued by the Governor General in Council under  
Fundamental Rule 17(2).]*

With reference to clause (2) of this rule, the Governor General in Council has decided that the pay of officers recruited overseas who are entitled to a first class passage to India, shall commence from the date of disembarkation, subject to their proceeding to take up their duties without avoidable delay. In the case of officers who receive a second class passage, pay shall commence from the date of embarkation for India.

[G. I. F. D. Resolution No. F.-7-XX-R. I./28, dated 19th May 1928.]

*Government of India's orders.*—The phrase “without avoidable delay”, occurring in this Appendix and in the similar orders issued by the Secretary of State, should be interpreted with reference to the joining time rules.

[Ar. G.'s letter No. T.-749-A./15-28, dated 28th July 1928.]

## APPENDIX No. 5B.

[F. R.'s 9 (20) and 75-A.]

*"Domicile Questionnaire."**Questions.**Answers.*

1. State your birth-place, date of birth, and place or places where you were educated.
2. State paternal grand-father's birth-place.
3. Where was your grandfather residing when your father attained his majority? If in Asia, state whether your grandfather had at that time taken up a fixed habitation in Asia or was resident there only in the exercise of a profession or calling.
4. Where was your father educated and where was he residing (a) at your birth and (b) when you attained your majority? If in Asia, state whether he had at those times taken up a fixed habitation in Asia or was resident there only in the exercise of a profession or calling.
5. Did your father during your minority spend any periods of leave outside Asia, purchase property outside Asia, or show in any other way an intention of making his fixed habitation outside Asia? Give full particulars.
6. If your father retired from Government or other service or profession in Asia when you were a minor, did he continue to reside in Asia afterwards? How old were you at the date of his retirement?
7. Give full particulars of any periods spent by you out of Asia prior to your appointment to Government service in India.
8. In what ways did you show an intention of taking up a fixed habitation outside Asia prior to your appointment to Government service?
9. Have you ever claimed and been deemed to be a native of India for the purpose of your appointment to any office under Government or for the conferment upon you by Government of any scholarship, emoluments or other privilege?

## APPENDIX No. 6.

[Fundamental Rule 9 (5).]

### Rules regarding the grant of free passages framed by the Secretary of State in Council.

#### I.—PASSAGE RULES, 1925.

*(Government of India, Finance Department, Notification No. F.-200-I-C. S. R.-25, dated the 18th December 1925, as amended by their Notification No. F.-7-IV-R.-1.-29, dated the 15th March 1929.)*

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of votes at a meeting of the Council held on the 21st day of October 1925, hereby makes the following rules:—

1. These rules may be called the Passage Rules (1925).
2. A local Government may sanction for any officer whom it has appointed in Europe to the public service in India a free passage to India and return passage on the termination of his appointment.
3. A local Government may sanction for any officer deputed out of India free return passage from India to the country in which the officer is deputed.
4. A local Government may grant free passages, including travelling expenses by rail to the port of embarkation, in urgent cases where, in their opinion, it is desirable that an officer, or his dependants, should leave India, and where the pecuniary circumstances of the individuals concerned are such that they are unable to leave without such assistance.
5. A local Government may sanction a free return passage for any officer entitled to a return passage on the termination of his agreement, whose services are retained in the public interest beyond the original period of his engagement. The local Government may also sanction an extension of an original concession in regard to free passages home for an officer's family.
6. A departmental officer of the commissary class, or a departmental warrant officer, in civil employ, shall be entitled to the same passage concessions as he would receive if he were in military employ.
7. Articles 601A and 1123 of the Civil Service Regulations are hereby repealed.

#### II.—PASSAGE (SUBORDINATE) RULES, 1925, FRAMED BY THE SECRETARY OF STATE IN COUNCIL.

*(Government of India, Finance Department, Notification No. F.-57-C. S. R.-25, dated the 30th December 1925, as amended by their Notifications No. F.-34-C. S. R.-27, dated the 4th February 1927, No. F.-7-XL./R. I./28, dated the 22nd September 1928 and No. F.-7-XI./R. I./29, dated the 4th July 1929.)*

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State for India in Council, with the concurrence of the majority of votes at a meeting of the Council held this

24th day of November 1925, hereby makes the following rules to regulate the grant of free passages to civilian subordinate employes of Governments in India engaged on contract for service in India, namely:—

### No. 106.

Page 390, Appendix 6—

Substitute the following for the existing rule 1 of "Section II—Passage (Subordinate) Rules, 1925," in this appendix:—

"1. (1) These rules may be called the "Passage (Subordinate) Rules, 1925". They supersede the rules previously in force regarding the grant of passages to personnel engaged in the United Kingdom for service in India who are provided with second class passages on appointment.

(2) Subject to the provisions of sub-rule (3) of this rule they apply—

(a) to any person of non-Asiatic domicile who was or is hereafter engaged outside India on contract for a period of not less than 3 years and to whom a 2nd class passage to India was or may be granted by Government for the purpose of joining his appointment during that contract and throughout his Government service thereafter;

(b) to any person of non-Asiatic domicile who was or is hereafter engaged outside India on contract for a period of less than 3 years to such extent as may be decided by the appointing Government to be appropriate provided that they shall apply without qualification to any such person who remains in Government service after completing 3 years' service;

(c) to any person of non-Asiatic domicile engaged in India on contract to whom they may be declared by the appointing Government to apply subject to such modification as may be decided by that Government to be appropriate.

(3) If a person to whom these rules apply becomes entitled to passage benefits under the Superior Civil Services Rules, or accepts in their stead passage benefits under any other analogous rules, he shall thereupon cease to be a person to whom these rules apply.

(4) Female employees shall not be entitled to the benefits admissible to the families of male employees."

(This amendment takes effect from the 24th November 1925.)

[G. I., F. D., Notification No. F-7-XV-R. I/29, dated 9th April 1931.]

(No. 106, dated the 25th June 1931.)

Rules apply.

"Family" includes a wife, unmarried sons and daughters, and step-daughters of any age and step-sons under the age of 16 years who reside with and are dependent upon the employé.

The expression "free passage" includes (a) second class accommodation by steamship by the all-sea route; (b) third class railway fare from the employé's home or usual place of residence to the port of embarkation and *vice versa*, plus the following allowances for incidental expenses:—15s. for the employé travelling alone, 20s. for the employé travelling with his wife and family, 15s. for a wife travelling alone, and 20s. for a wife accompanied by children; (c) a free railway pass (or an allowance in lieu thereof) and free conveyance of baggage up to a limit of 5 maunds for the journey from

the port of disembarkation in India to his station and *vice versa*, plus the following allowances for incidental expenses:—Rs. 20 for the employé travelling alone or with his wife and family, Rs. 15 for a wife travelling alone, and Rs. 20 for a wife accompanied by children; (d) a mileage allowance in India at the rate laid down for the time being by the Government for each person for such journeys by road as may be necessary; (e) a halting allowance in India at the rate laid down for the time being by the Government for each person for every day, if detained under orders at the port of disembarkation or elsewhere.

“Government” means the Government in India under which the employé is employed.

3. Free passage to India shall be granted by the Government:—

- (a) on the occasion of their first voyage to India after his engagement for service, to the members of employé's family existing at the time of his engagement, whether they accompany the employé or join him later, if they have not been in India since his engagement;
- (b) to the wife of an employé who enters service as a bachelor but marries while in the United Kingdom on leave;
- (c) to the intended wife of an employé when proceeding to India to marry him:

Provided that an employé who has been granted a free passage for his wife or intended wife under this rule shall not be entitled to a second passage if he remarries, but a second wife may claim any concessions which were available to but were not utilised by a first wife.

4. Free passage to the United Kingdom shall be granted to an employé when granted leave on medical certificate to that country during his service, and free passage back to India when pronounced fit to resume duty. If an employé shall take leave on private affairs after being pronounced by the Medical Board fit to return to duty in India he shall forfeit any right to free return passage to India under this rule.

5. Free passage to any port in Europe or in a British Colony, Dominion or Possession, shall be granted to an employé who is recommended by the proper medical authority to proceed to such place, and free return passage when pronounced fit to resume duty, provided that the cost of such passages shall not exceed the cost of passages to and from the United Kingdom.

6. When an employee is granted leave on medical certificate the Government will, but not more than twice during his service, pay half the cost of passages from  $\frac{\text{and}}{\text{or}}$  to India for his family if they accompany him or precede or follow him within a time fixed by Government. But the cost of this concession shall not exceed half the cost of passages to  $\frac{\text{and}}{\text{or}}$  from the United Kingdom.

7. An employé who, whilst on ordinary leave out of India, is granted leave on medical certificate for a period exceeding two months on account of an illness which is certified by the proper medical authority to have been contracted in India or to be due to service in that country, shall be granted a free passage to India for himself, together with half the cost of passages for his family (subject to the limitation stated in Rule 6) from the United Kingdom or from any port in Europe or in a British Colony, Dominion or Possession (on his being pronounced fit to resume duty by the proper medical officer) on the termination of such leave. In the case of an employé on leave in a British Colony, Dominion or Possession, the Government shall decide, for the purpose of this rule, what medical evidence shall be accepted.

8. Free passages to the United Kingdom or to any port in a British Colony, Dominion or Possession shall be granted to the family of an employé



## No. 107.

Page 392, Appendix 6—

Delete the words "notwithstanding that his service may be continued beyond the term of his original agreement," occurring in lines 2-3 of Rule 9 in Section II of this Appendix.

(This amendment takes effect from the 24th November 1925.)

[G. I., F. D., Notification No. F-7-XV-R. I/29, dated 9th April 1931.]

(No. 107, dated the 25th June 1931.)

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11. In lieu of the passages admissible under Rule 9 or 10 passages may, in exceptional circumstances, be provided prior to the end of the employé's service. When such passages have been so provided, no further passages shall be admissible when the employé finally leaves the service, and any sums paid in respect of such passages shall be liable to recovery should the employé's subsequent service prove unsatisfactory or should he terminate his service in circumstances other than such as may reasonably be regarded as covered by the term "retirement including invaliding".

**APPENDIX No. 7.**

[Fundamental Rule 51.]

**Travelling, etc., allowances of Civil Officers serving under the Secretary of State, the Government of India, or the High Commissioner for India when on duty in Europe or America.**

The pay of officers serving under the Government of India who may be deputed to work in Europe or America is governed by Fundamental Rule 51.

An officer who elects to consume leave on average pay during a period of duty out of India may be granted an honorarium equal to one-sixth of his Indian pay for the period in question. He will be eligible for Compensatory or Travelling allowances in addition under the rules below as if drawing pay under Fundamental Rule 51.

The following regulations have been approved to govern the grant, under the authority of the Secretary of State for India, of travelling and other allowances. They do not apply to cases governed by special rules, *e.g.*, study leave, forest tours, etc.

They take effect from 1st October 1924, and are subject to review from time to time.

**SECTION I.—CLASSIFICATION OF OFFICERS.**

1. For the purposes of these rules officers are divided into classes as under—

- (a) *Indian Services*.—According to the classification in Supplementary Rule 17 to the Fundamental Rules.
- (b) Officers serving under the Secretary of State or the High Commissioner—

*First Class*.—Administrative and higher executive officers.

*Second Class*.—Other executive and clerical officers.

*Third Class*.—Other officials.

2. Military officers, etc., if paid at civil rates, are classified under these rules as follows:—Commissioned officers first class, warrant officers second class, other ranks third class. If paid at military or naval rates their allowances are governed by Army or Navy Regulations.

**SECTION II.—COMPENSATORY ALLOWANCE.**

3. Subject to the provision of rules 4 and 5, officers who are sent from India on deputation may be granted a compensatory allowance at the following rates from date of landing in this country to date of re-embarkation for India:—1st class, 16s. 8d. a day; 2nd class, 12s. 6d. a day; 3rd class, 8s. 4d. a day.

4. If an officer is permitted to take leave during his deputation, or to delay his embarkation for India at the conclusion of his deputation by taking leave, payment of compensatory allowance will cease during the period of leave.

5. An officer who is eligible for a compensatory allowance under this section may be granted halting allowance under section IV, in lieu thereof, if to his advantage, in respect of necessary absences on duty away from headquarters.

6. Officers placed on deputation while on leave in this country may be granted a compensatory allowance at the rates prescribed in rule 3 if they can show that they are put to extra expense in the matter of accommodation

through being placed on duty. They will draw halting allowance in lieu thereof in respect of necessary journeys on duty away from headquarters.

### SECTION III.—TRAVELLING EXPENSES.

7. Travelling expenses when admissible are granted as follows where actually incurred:—

*First Class.*—First class railway or steamer fare.

*Second Class.*—Second, if available, otherwise third.

*Third Class.*—Third class.

8. In the case of cross-channel passages second class officers may travel 1st class and third class officers 2nd.

9. Only the cost of return tickets is allowed when such can be taken.

10. An officer unless otherwise instructed is expected to take up his headquarters at his place of work, and will not be refunded the cost of journeys (other than the first and last) between his home or place of residence and his headquarters.

11. Except as provided in Rule 11A, necessary incidental expenses, such as taxi or cab fares, motor hire, etc., may be passed by the Accountant General, India Office, or the Chief Accounting Officer to the High Commissioner, at their discretion. The extra cost of sleeping berths or seats in Pullman cars will not be allowed elsewhere than in America without the sanction of the Secretary of State in Council.

11A. Officers entitled to 2nd class passages who are deputed to the United Kingdom receive in respect of journey from port of embarkation to their homes and *vice versa* the following allowance in lieu of refund of incidental expenses under Rule 11, namely, 15s. for each journey if the officer travels alone and £1 for each journey if he is accompanied by his wife or family.

12. An officer ordered to travel by the overland route to or from India on duty may be granted, in addition to travelling expenses, an inclusive sum of £1 as travelling allowance for the journey between Marseilles and the United Kingdom.

### SECTION IV.—HALTING ALLOWANCE.

13. Officers travelling on duty in the United Kingdom may, when away from headquarters, draw in addition to travelling expenses under section III halting allowance at the rates shown in the following table. These rates are not intended to meet the whole cost of subsistence when absent from home or headquarters, but only the extra expense necessarily incurred through such absences:—

#### A.—United Kingdom.

Class.	Rate 1. (First 14 nights.)	Rate 2. (After 14 nights.)	* Rate 3. (Journey of not less than 4 miles each way invol- ving absence from Head Quarters of 10 hours or over.)	* Rate 4. (Journey of not less than 4 miles each way invol- ving absence from Head Quarters of between 5 and 10 hours.)
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1	25 0	15 6	5 0	3 6
2	18 9	10 0	3 6	2 6
3	12 6	7 6	2 9	2 0

\* These rates are not admissible in conjunction with rates 1 and 2.

*B.—Places abroad.*

	Class 1.	Class 2.	Class 3
	£ s. d.	£ s. d.	£ s. d.
America . . . . .	2 10 0	1 17 6	1 5 0

**No. 77.***Page 395, Appendix 7—*

*Insert the following as item (2) of " Secretary of State's orders " under rule 14 of this Appendix, the existing entry being numbered (1):—*

" (2) The Secretary of State for India in Council has decided that official and non-officials appointed to represent the Government of India at an International Conference held at places (outside Asia) where they are residing when nominated as representatives shall be granted, but only for day of attendance at the Conference in question, subsistence allowance at the rate of £1-1 a day in lieu of the usual rate of £1-15 a night admissible to representatives at such Conference."

[India Office letter No. F.-4436/30, dated 3rd December 1930, received with the G. I., F. D., memo. No. F.-175-R. I./30, dated 31st December 1930.]

(No. 77, dated the 25th April 1931)

2. The India Office travelling allowance rules will be amended in due course.

[G. I. F. D. No. F./116-C. S. R.-25, dated 18th April 1925.]

*Secretary of State's orders.*—The Secretary of State in Council has accepted the following revised procedure in regard to the grant of permission to officers of the Public Works Department, while on leave, to visit engineering works in the United Kingdom or elsewhere at the public expenses, will be observed in future:—

- I. An application for permission to visit engineering works at the public expense should be made to the Local Government under which the applicant is employed.
- II. Such application as may be approved by the Local Government will be forwarded by it to the High Commissioner with a request that the necessary arrangements may be made, and with instructions whether or not halting allowance should be granted.
- III. An applicant should state what particular works he proposes to visit. After completing his tour of inspection, he will be required to forward to the High Commissioner, for transmission to the Local Government, a report or paper of notes on the works examined embracing more especially his views as to the applicability to India of works of a similar description.
- IV. If the report appears to the High Commissioner satisfactory, the officer concerned will be paid his travelling expenses under the India Office Travelling, etc., Allowance Rules. For this purpose, the report should be accompanied by full and detailed particulars of expenses incurred in travelling to and from the works visited, supported, if possible, by complete and detailed vouchers for all items of expenditure.

[G. I., I. and L. D., letter No. E.-45, dated the 23rd December 1929.]

## APPENDIX No. 8.

Instructions issued by the Auditor General under  
Fundamental Rule 74.

## I.—PROCEDURE RELATING TO LEAVE.

*Certificate of Admissibility.*

1. *Gazetted Government servants.*—Leave should be sanctioned to a gazetted Government servant only after its admissibility has been certified by the Audit Officer who has been auditing his pay.

NOTE.—The leave accounts of the Archdeacon of Calcutta and the Presidency Senior Chaplain, Church of Scotland, Bengal, are maintained by the Accountant General, Central Revenues. The leave accounts of all other Chaplains both of Church of England and the Church of Scotland, including those attached to regiments, are maintained by the Accountant General, of the Province in which they serve. In the case of Chaplains therefore the certificate of admissibility should be obtained from the Accountant General.

## No. 9.

Page 396, Appendix 8—

Reconstruct Rule 2 in this Appendix as below:—

“Before leave in India is sanctioned to a non-gazetted Government servant, the authority sanctioning the leave should either consult the leave account prescribed in Fundamental Rule 76, and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the officer entrusted with the attestation of the entries in the leave account. When the application is for leave out of India, the authority sanctioning the leave should obtain a certificate of admissibility from the Audit Officer before sanctioning the leave.”

[Audit Code, Volume II, No. 205.]

(No. 9, dated the 25th April 1931.)

... should be sent through the Civil Audit Officer who audits the pay of the officer going on leave. The Civil Audit Officer will, if he considers it necessary, consult the Controller of Military Accounts in charge of the officer's record of pension service before certifying to the leave and specifying the leave-salary. No leave should be sanctioned to such an officer before a report is received from the Civil Audit Officer.

(b) In the case of a Military Officer subject to the Military Leave Rules, the Civil Audit Officer should obtain from the Controller of Military Accounts who has charge of the Officer's record of pension service a certificate stating the amount of leave to which the officer is entitled, and the rate of leave pay and allowances admissible during the said period of leave, before issuing a leave-salary certificate, or a warrant, or a certificate, of leave granted to an officer proceeding on leave out of India who does not intend to draw his leave-salary at the Home Treasury or in a Colony.

5. *Government servants in foreign service.*—In the case of a Government servant on foreign service, leave cannot be sanctioned, until the Audit Officer of a Government (Central or Provincial), under which he was permanently employed at the time of his transfer to foreign service, has certified the amount of leave and the leave-salary admissible.

NOTE.—For the purpose of this rule, the Accountant General of the Province in which the contributions towards leave-salary and pension of a Gov-

ernment servant on foreign service are recovered will act as the Audit Officer of the Central Government.

*Payment of leave-salary in India.*

\*6. *Non-gazetted Government servants.*—The leave-salary of a non-gazetted Government servant on leave in India or on leave out of India cannot be drawn in India, except under the signature of the head of his office; and the latter is responsible for any overcharge.

7. *Gazetted Government servants.*—No gazetted Government servant can begin to draw his leave-salary at any office of payment in India without producing a leave-salary certificate from the Audit Officer who audited his pay before he proceeded on leave.

8. The certificate should be in F. R. Form No. 2; and if during leave the gazetted Government servant desires to change the office at which he receives payment of his leave-salary, he must obtain a new certificate from the Audit Officer within whose jurisdiction his leave-salary was last paid.

8A. A gazetted Government servant desirous of discontinuing his subscription to the General Provident Fund during leave or of subscribing to the Fund at the usual rates during leave on average pay and at half rates during other leave, should intimate his wishes in the matter to his audit officer before proceeding on leave.

9. If a gazetted Government servant signs his bill himself he must either appear in person at the place of payment or furnish a life certificate signed by a responsible officer of Government or some other well-known and trustworthy person. If he draws his leave-salary through an authorised agent, the agent, whether he has or has not a power-of-attorney, must either furnish a life certificate as aforesaid, or execute a bond to refund overpayments. A life certificate may be given periodically, a bond being given to cover intermediate payments not supported by life certificates.

10. The provisions of paragraphs 7 to 9 above apply also to gazetted Government servants who spend their leave out of India but reside in Asia, and who have to draw their leave-salary in rupees in India under Fundamental Rule 91.

NOTE.—A certificate of residence should be obtained from Government servants who draw their leave-salary at the rupee rate.

11. *Railway and Telegraph Departments and Military Works Services.*—In the case of the Railway and Telegraph Departments and the Military Works Services the above rules will be generally applicable subject to any modifications which may be made by the Accountant General concerned in accordance with the special rules of his Department.

12. *Return to duty.*—Before returning to duty, a Government servant who has drawn his leave-salary in India should obtain a last-pay certificate from the Audit Officer, within whose jurisdiction his leave-salary was last paid, and deliver it to the Audit Officer who audits his pay. Without such a certificate he cannot obtain payment of any arrears of leave-salary or pay due to him.

*Leave out of India.*

13. *Memorandum of information.*—A copy of "Memorandum of information for the guidance of Government servants proceeding on leave out of India" should be supplied to each Government servant proceeding on leave out of India by the Audit Officer who audits his pay, as soon as the grant of leave is gazetted or otherwise notified to him.

\* The Government of India have decided that the leave-salary of non-gazetted officers belonging to the Posts and Telegraphs Departments and Posts and Telegraphs Account Offices may be drawn from a Post Office other than one from which the officer proceeds on leave.

[G. I. F. D. letter No. D.-1514-A., dated 15th June 1925.]

14. *Leave-Salary Certificate and Colonial Leave-Salary Warrant.*—(a) A Government servant proceeding on leave out of India and intending to draw his leave-salary while on leave should be given a leave-salary certificate by the Audit Officer who audited his pay before he proceeded on leave—

(1) in F. R. Form No. 2, if he intends to draw his leave-salary at the Home Treasury;

(2) in the shape of a leave-salary warrant in Form No. I under the Supplementary Rules, if he is proceeding to a Colony and intends to draw his leave-salary there.

(b) If during any period of leave on average pay, a gazetted Government servant wishes, under the provisions of Fundamental Rule 91, to draw his leave-salary in India, a separate leave-salary certificate should be issued in respect of that period under the provisions of paragraph 8 above.

NOTE.—When vacation and holidays are prefixed to leave out of India and are spent out of India, the Government servant proceeding on such leave may be allowed to draw his pay and leave-salary for the whole period at the Home Treasury; but the exact amounts to be paid on account of each separate period must be stated in the leave-salary certificate.

[*Auditor General's decision.*—Even in those cases where an officer, with the grant of leave, is transferred to an appointment under the audit control of another Audit Officer and where, in consequence, the leave is sanctioned by a Government other than that under which he was employed before proceeding on leave, the orders in Rule 14 should be observed, that is to say, the leave-salary certificate should be given by the Audit Officer who audited his pay before he proceeded on leave.]

[Ar. G.'s No. 392-Admn./125-25, dated 7th March 1925.]

15. When a Government servant proceeds out of India on leave other than extraordinary leave, the Audit Officer who audits his pay will, as soon as the leave is gazetted or otherwise notified, send him a letter in F. R. Form No. 4 with enclosures in F. R. Form No. 5 requiring him to call at his office or give the necessary information.

NOTE.—If a Government servant sent home to Europe as a lunatic is granted leave, a leave-salary certificate should be prepared, if necessary, by the Audit Officer who audits his pay on the data available to him, and forwarded to the High Commissioner for India at the earliest possible date.

16. If the Government servant calls at the Audit Office he will be paid up to the date of his relief and will be given a leave-salary certificate in the appropriate form as prescribed in paragraph 14 above. In the case of Government servants proceeding to a Colony, the Colonial leave-salary warrant (Form No. I under the Supplementary Rules) will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the Audit Officer to the Colonial authority concerned, the duplicate to the High Commissioner for India and the triplicate will be made over to the Government servant concerned.

NOTE.—If the Government servant takes a certificate under clause (b) of paragraph 14 above, he will not be paid up to the date of relief but will be allowed to draw his pay and allowances for the broken period of the month at the commencement of the next month along with the leave-salary for the rest of the month.

17. If the Government servant is unable to call at the Audit Office, the Audit Officer will cause the leave-salary certificate to be sent to the address specified by the Government servant and the pay and allowances to be paid through the Officer from whom the Government servant draws his pay and allowances.

NOTE.—The orders in the Note under paragraph 16 apply also in the circumstances specified in this paragraph.

18. When a Government servant proceeds on extraordinary leave out of India, or on leave on average pay or half average pay out of India during which he does not propose to draw leave-salary, or when a Government servant is given a Colonial leave-salary warrant, he should be given a certificate of leave in Form No. 11 under the Supplementary Rules. This certificate has to be presented by the Government servant to the High Commissioner for India if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave, or for permission to return to duty or for a last-pay certificate before returning to duty.

NOTE.—Whenever a Government servant is proceeding to a Dominion or Colony which does not account directly to India a duplicate copy of the certificate in Form II under the Supplementary Rules should be sent to the High Commissioner with the duplicate copy of the Colonial leave-salary warrant (*vide* paragraph 16).

19. A certificate in F. R. Form No. 3 should be attached to the leave-salary certificate of a Chaplain proceeding on leave to Europe.

20. With every leave-salary certificate, Colonial leave-salary warrant or certificate of leave, given to Government servants to whom the leave rules in Sections I to V of Chapter X of the Fundamental Rules are not applicable a blank F. R. Form No. 7 will be given on which the Government servant concerned will report to the Audit Officer, from the first port at which the vessel touches, the day of his departure from India.

21. As soon as an Audit Officer has delivered a leave-salary certificate, certificate of leave or a Colonial leave-salary warrant to a Government servant who proposes to spend his leave out of India, or has caused it to be sent to the address specified by him, he must forward a copy of the leave-salary certificate or certificate of leave, or the duplicate copy of the Colonial leave-salary warrant to the High Commissioner for India.

22. *Deleted.*

23. *Amended Certificate.*—If it becomes necessary to amend a leave-salary certificate in F. R. Form No. 2, the amendment should take the form of a short corrigendum worded so as to show only the particular item or items in which alterations have been made; this corrigendum should be forwarded by the Audit Officer at the earliest possible date to the High Commissioner for India. Every corrected leave-salary certificate, whether original or duplicate, should be marked "Amended Certificate."

24. *Extension or commutation of leave.*—Whenever the leave of a Government servant absent on leave out of India elsewhere than in Europe, North Africa, America or the West Indies is extended or commuted by the authority in India which granted the leave, the fact should forthwith be notified by the Audit Officer to the High Commissioner for India to enable him to check the payment by Colonial Treasurers or Staff Officers.

NOTE.—This rule applies to Military Officers subject to the Military Leave Rules.

25. If the leave of a Government servant who draws his leave-salary in India under the provisions of Fundamental Rule 91 is extended or commuted, the Audit Officer who audited his pay at the time he proceeded on leave must, on receiving advice of such extension or commutation, forthwith communicate it to the Audit Officer within whose jurisdiction his leave-salary is drawn. He should also communicate any other circumstances connected with the leave which may be required to be known to the Audit Officer who passes the Government servant's leave-salary.

26. *Issue of a fresh Colonial leave-salary warrant.*—When no space for the entry of endorsements of payments remains upon the back of a Colonial leave-salary warrant, or when a warrant is lost or destroyed, a fresh warrant should be issued by the Audit Officer who issued the original warrant on the application of the Government servant concerned submitted through the Colonial Disbursing Officer.



27. *Return to duty.*—A Government servant who was on leave in Europe must, on return to India, deliver to the Audit Officer the last-pay certificate obtained by him from the High Commissioner, before he can obtain payment of any arrears of leave-salary or pay due to him. A Government servant who has drawn his leave-salary on a warrant must deliver his copy of the warrant which will serve as a last-pay certificate.

28. *Railway and Military Accounts Departments.*—Changes in the above rules, except those which relate to Colonial leave-salary warrants, may be made by the Accountant General, Railways, or the Military Accountant General in accordance with the special rules of his own department.

#### *Special Rules relating to Military Officers.*

29. As soon as the grant of furlough or leave to a Military Officer in Civil employ has appeared in orders, the Audit Officer in charge of the Military Officer's record of pension service must, in the case of furlough to Europe, North Africa, America or the West Indies, forward to the High Commissioner for India a statement of the officer's service in such form as the Military authorities may prescribe. This statement is not required in the case of officers proceeding on furlough under the Staff or British Leave Rules.

30. When furlough or leave or an extension of furlough or leave is granted to a Military Officer in Civil employ, whether subject to the Civil or the Military Leave Rules, the Civil Audit Officer should intimate to the Audit Officer in charge of the Officer's record of pension service the date of the beginning and end of the furlough or leave, the dates of embarkation and debarkation in the case of furlough out of India, as well as those of being struck off or of resuming duty.

#### 31. *Cancelled.*

32. On the return of an officer from furlough or leave, it will be the duty of the Audit Officer in charge of his record of pension service to satisfy himself that he has returned within his leave; and, if not, to report the case to the authority which sanctioned the leave.

#### *Leave Account.*

33. The leave account prescribed in Fundamental Rule 76, should be kept in F. R. Forms No. 9 and 9A in respect of Government servants under the special leave rules and ordinary leave rules respectively. The office in which the account should be kept for any Government servant and the person by

### **No. 8.**

*Page 400, Appendix 8—*

*Insert the following sub-paragraph under Rule 33 in this Appendix:—*

*"The leave accounts of permanent piece-workers and of permanent salaried industrial employees (below the grades of Overseer and Assistant Manager) in the Government of India presses, who are not classed "Inferior", should be kept in F. R. Forms No. 9-B and 9-C respectively."*

*[Audit Code, Volume II, No. 211.]*

*(No. 8, dated the 25th April 1931.)*

from the head of the office or department concerned, note in it, under his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary, and return the same to the officer from whom he received it. On the Government servant's re-transfer to Govern-

ment service, the Audit Officer will again note in the service book, under his signature, all necessary particulars concerned with the foreign service. All entries relating to the time spent in foreign service should be attested by the Audit Officer.

**Memorandum explaining how the existing orders in the several articles in the Civil Service Regulations have been dealt with in the instructions issued by the Auditor General under Fundamental Rule 74.**

1. *Paragraph 1.*—This includes the provisions contained at present in clauses (a) and (d) of Article 841 of the Civil Service Regulations. Under the existing system of audit it is necessary that the Audit Officer should certify the admissibility of the leave before it is sanctioned. The provision has, therefore, been retained as an instruction of the Auditor General.

2. *Paragraph 2.*—This order is not based on any rule at present included in the Civil Account Code or the Civil Service Regulations. A similar rule is, however, included in some departmental codes (*vide, e.g.,* paragraph 109, Public Works Department Code), and is followed in practice in all civil offices. Only leave which is admissible can be sanctioned and the admissibility of the leave can be verified only by a reference to the leave account. It is considered that an explicit rule to this effect should be contained in the authorised instructions.

3. *Paragraph 3.*—This provides for the orders in the note under Rule 1 below clause (i) of Article 314, Civil Service Regulations.

4. *Paragraph 4, Clause (a).*—The provision in this clause is intended to replace the orders contained in Articles 855A and 856, Civil Service Regulations. The orders as they stand are very complicated and prescribe different sets of procedure for different kinds of officers. It would be sufficient if all the applications are required to be sent to the Civil Audit Officer who will, when necessary, consult the Military Audit Officers. Clause (b) provides for the orders contained at present in Articles 856 (c), 860, the Note under 871 and 875. As the Civil Audit Officer has to consult the Military Controller he can obtain the certificate at the same time.

5. *Paragraph 5.*—This reproduces the portion of orders in Article 780, Civil Service Regulations, which is essential for purposes of audit.

6. *Paragraph 6.*—Article 865 prescribes the locality in which the leave-salary of a non-gazetted Government servant should be drawn and the conditions which should be observed before it can be paid. Orders regarding locality cannot be issued as part of audit requirements and so paragraph 6 only prescribes the other conditions contained in Article 865. The general orders framed by the Governor General in Council under rule 16 of the Devolution Rules, include a provision to the effect that the leave-salary of a non-gazetted Government servant paid in India should be drawn only in that district in which his pay could be drawn if he were on duty.

7. *Paragraph 7.*—This reproduces that portion of the orders in Article 874 which relates to payment of leave-salary in India. The term "office of payment" has been substituted for "treasury" so that the rule may be applied even in the case of those departments which make their own payments, *e.g.,* by cheques.

8. *Paragraph 8.*—This reproduces the orders in Article 878 except that the provision that a certificate is necessary only when the Government servant proceeds from one place to another has been cancelled because an authority from the Audit Officer specifying the leave-salary permissible is necessary in all cases. A clause has also been added at the end of this paragraph to the effect that when the Government servant desires to change the office of payment, a fresh leave-salary certificate must be obtained from the Audit Officer within whose jurisdiction his last pay was drawn. This clause is taken from Article 887. As the instructions apply also to cases of Government servants on leave in India it has been included in this paragraph.

9. *Paragraph 9.*—This reproduces the orders in Article 864, Civil Service Regulations.

10. *Paragraph 10.*—This provides for the procedure laid down in Fundamental Rule 91, by which Government servants who reside in Asia during the leave have to draw their leave-salary in India. The note under the paragraph is an audit requirement.

11. *Paragraph 11* is intended to preserve the special procedure obtaining at present in these departments which is safeguarded by Article 866, Civil Service Regulations.

12. *Paragraph 12.*—A last-pay certificate has to be produced by a Government servant who has to draw arrears of leave-salary or pay due under Article 41, Civil Account Code, Volume I (8th edition) [Article 223, Posts and Telegraphs Initial Account Code, Volume I].

13. *Paragraph 13.*—This reproduces the orders in Article 775A, Civil Account Code, Volume II (7th edition).

14. *Paragraph 14.*—This reproduces part of the orders in Article 874, Civil Service Regulations, relating to the issue of a leave-salary certificate to those who desire to draw their leave-salary at the Home treasury and part of the orders in Article 888, Civil Service Regulations, relating to the issue of a Colonial warrant, with this difference that the Audit Officer who audits the pay of a Government servant is required to issue the Colonial leave-salary warrant in the place of Audit Officers at the ports of embarkation in India or Burma who were formerly issuing the warrants as stated in Article 888, Civil Service Regulations. The issue of a separate leave-salary certificate by the Audit Officer concerned as specified in Article 881 becomes unnecessary as he will himself issue a Colonial leave-salary warrant. A clause has been added to this rule providing for cases in which a gazetted Government servant may wish to draw his leave-salary in India during the first four months of leave on average pay. In these cases a leave-salary certificate, such as is ordinarily issued to a Government servant drawing his leave-salary in India, should be issued to cover the period during which the Government servant wishes to draw his leave-salary in India. This rule does not provide for non-gazetted Government servants proceeding on leave out of India as their cases are covered by paragraph 6 of these Instructions.

15. *Paragraph 15.*—This provides for the orders in Article 880, Civil Service Regulations. The note under the article is taken from Article 775, Civil Account Code, Volume II (7th edition).

16. *Paragraph 16.*—This reproduces part of the orders in Article 881 which are not included in paragraph 14 as well as part of the orders in Article 889. The existing orders require that the Government servant going on leave out of India should be paid up to the day before he leaves India. These orders apply to the case of Government servants who proceed on leave to which no privilege leave is prefixed. When the Government servant goes on privilege leave or on combined leave he is allowed to draw his allowances in England from the commencement of such leave. In future it would be simpler to have the leave-salary due from the commencement of the leave paid in England, if the Government servant so chooses, in all cases subject to the conditions in Fundamental Rule 91. This rule accordingly provides that the Government servant should be paid up to the date of his relief.

17. *Paragraph 17.*—This reproduces the orders in Article 882, except that it is provided that the Government servant should be paid up to the date of his relief and not up to the date of his sailing.

18. *Paragraph 18.*—This is taken from Articles 872 and 873, Civil Service Regulations.

19. *Paragraph 19.*—This is in accordance with Article 904, Civil Service Regulations.

20. *Paragraph 20.*—This reproduces the orders in Article 883, Civil Service Regulations. As under Fundamental Rule 68, the leave of a Government servant commences on the day on which transfer of charge is effected and does

not depend upon the date of departure of the vessel in which the Government servant sails, the report of actual sailing is not required in the case of those to whom the rules in Sections I to V of Chapter X of the Fundamental Rules are applicable.

21. *Paragraph 21.*—This provides for the orders in Article 884, and part of Article 889. "The High Commissioner for India" has been substituted for the "Secretary of State" and "India Office" as the former officer is now making payments of leave-salary in England.

22. *Paragraph 22.*—This reproduces the orders in Article 885, Civil Service Regulations.

23. *Paragraph 23.*—This provides for the orders in Article 893 (a), Civil Service Regulations.

24. *Paragraph 24.*—This is taken from the latter part of Article 300, Civil Service Regulations.

25. *Paragraph 25.*—This is a reproduction of the orders in Article 877, Civil Service Regulations.

26. *Paragraph 26.*—This is a part of the orders in Article 889, Civil Service Regulations.

27. *Paragraph 27.*—This is taken from Articles 886 and 890, Civil Service Regulations.

28. *Paragraph 28* is taken from Article 870, Civil Service Regulations.

29. *Paragraphs 29 to 32* are taken from Articles 855, 357 (b) and (c) and 611, Civil Service Regulations.

30. *Paragraph 33.*—This is a necessary record for purposes of reference.

31. *Paragraphs 34 and 35.*—These rules indicate the form in which records of service of non-gazetted Government servants should be maintained and the procedure that should be followed in maintaining them.

## F. R. FORM No. 5A.

### Memorandum of information for the guidance of Government servants proceeding on leave out of India.

1. *Report of sailing.*—If a certificate of departure accompanies this memorandum, the Government servant should sign, stamp and post it to the Audit Officer from whom the memorandum is received.

2. *Date of commencement of leave.*—Leave begins on the day on which transfer of charge is effected, or if charge is transferred afternoon, on the following day.

3. *Leave-salary certificate for payment in India.*—Under Fundamental Rule 91, a Government servant may draw in India the leave-salary of the first part of any period of leave on average pay up to a maximum of four months whether such leave be taken by itself or at the commencement of a longer period of leave. When a Government servant on leave out of India exercises this option and desires to draw his leave-salary in India—

- (1) his pay and allowances up to the date preceding that on which his leave commences are payable in India under the usual rules; and
- (2) if he is a gazetted Government servant, he must inform the audit office which audits his pay in his last post through a form which will be received from it, from what treasury he wishes to draw his leave-salary and through what agency.

4. *Leave-salary certificate for payment at the Home Treasury.*—In cases not falling under paragraph 3 above—

- (1) the pay and allowances of the Government servant will be paid to him before he leaves India and the Audit Officer who audits his pay in his last post will arrange for this; and

- (2) the Government servant must take with him a leave-salary certificate to enable him to draw his leave-salary from the Home Treasury.

If the certificate cannot be prepared in time, or if a Government servant proceeding on leave to Europe is compelled to leave without a certificate, it will be forwarded to him to any address which he may leave.

5. *Colonial leave-salary warrant for payment of leave-salary in a Colony.*—If a Government servant intends to draw his leave-salary in any of His Majesty's Colonies, the Audit Officer who audits his pay in his last post will furnish him with a warrant addressed to the Colonial officer only on condition that any fund subscriptions due from him shall either be paid in advance or taken by deduction; in the latter case, the warrant to the Colony will show only the net amount payable after such deduction.\*

6. *Leave on medical certificate.*—A Government servant taking leave out of India on medical certificate should take with him one copy of the Medical Report upon his case, and be prepared to produce it before the Medical Board at the India Office, if required to do so.

7. *Certificate of leave necessary in certain cases.*—If a Government servant proceeds on extraordinary leave out of India or on leave on average pay out of India during which he does not propose to draw leave-salary, or if a Government servant proceeds to a Colony, he should obtain a certificate of leave in Form No. II under the Supplementary Rules from the Audit Officer who audits his pay in his last post. This certificate has to be presented by the Government servant to the High Commissioner for India, if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave or for permission to return to duty or for a last-pay certificate before returning to duty.

8. *Subscriptions to Funds.*—Subscriptions on account of the Bengal, Bombay and Madras Civil Funds, and the Bengal and Madras Service Family Pension Fund may be paid either in India or in England at the option of the subscriber, and arrangement should be made for such payment by the subscriber. In the case of Military Officer in Civil employ subscriptions on account of Indian Military Service Family Pension Fund will be deducted from the leave-salary of the officers concerned. Officers should see that the necessary deductions are made. Premia and subscriptions on Postal Insurance policies and contracts for monthly allowances, subscriptions for the Bengal Uncovenanted Service Family Pension Fund, the Bombay Government Service Family Pension Fund, the General Family Pension Fund, and the Hindu Family Annuity Fund are not payable in England.

9. Subscriptions to the General Provident Fund may be paid by remittance in cash to the Audit office which audited his pay in his last post in the case of a Government servant on leave who draws his leave-salary from a Colonial Treasury, but when a subscriber draws his leave-salary from the Home Treasury of the Government of India, his subscription may be paid by deduction from such salary.

A Government servant who draws his leave-salary from the Home Treasury and who desires to subscribe during his leave or any part of it must notify his intention beforehand in order to allow of the deductions from his leave-salary being noted in his leave-salary certificate. Unless an extension of leave is granted, the option thus notified will be final.

10. Before departure on leave, a subscriber to the Indian Civil Service Provident Fund should intimate to the Account Officer of the province or

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\* Paragraph 5 applies only to the civil fund deductions and the Indian Military Service Family Pension Fund subscriptions, but not the General Provident Fund. Subscriptions to the latter in the case of those on leave who draw their leave salaries from a Colonial Treasury can only be remitted in cash to the Audit office as laid down in paragraph 9 of the memorandum, which is based on Rule 9 of the Rules regulating the General Provident Fund.

[A. G.'s letter No. 93-Code/117-22, dated 26th January 1923.]

department in which he is permanently employed, the amount which he desires to contribute monthly during his leave. A subscriber to the Bengal and Madras Service Family Pension Fund should communicate with the Accountant-General, Central Revenues; and a subscriber to any other fund with the Secretary of the fund concerned, informing him of the arrangement he proposes to make regarding the payment of his subscription during his absence.

11. Contributions due under the Indian Civil Service Family Pension Regulations must be paid in England in sterling. If a subscriber, previous to quitting India, has commenced the payment of any donation by instalments, he may either complete the payment of his donation in India before leaving or pay the remaining instalments in England at English rates. Subscribers to this fund will obtain, from the Audit Officer who audits his pay in his last post, a certificate of the date up to which they have paid their subscriptions.

11A. Subscriptions under the Superior Services (India) Family Pension Fund are payable during leave; but the Secretary of State in Council may at his discretion permit recovery of subscriptions due over a prolonged period of leave on medical certificate or of extraordinary leave without pay to be postponed until the expiration of such leave.

12. *Report of arrival in the United Kingdom.*—When the Government servant arrives in the United Kingdom, he should at once report his arrival by letter to the High Commissioner for India at 42, Grosvenor Gardens, London, S.W. 1, giving an address at which letters will find him, and he should forward his leave-salary certificate to the same authority on arrival or as soon as he receives it from India.

12A. *Military Officers in Civil employ visiting foreign countries.*—Military officers in Civil employ are bound by the rules contained in paragraphs 883 and 884 of the Regulations for the Army in India, requiring that permission shall be obtained before visiting certain foreign countries named in those paragraphs and prescribing the procedure for obtaining such permission and necessary passports.

13. *Payment at the Home Treasury.*—The leave-salary of all Government servants is issued from the Home Treasury monthly in arrear on the first day of each calendar month. They will be paid to the Government servant on his personal application, or to his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the banker having guaranteed the Secretary of State or the High Commissioner against loss consequent on his dispensing with the production of such proof), or on presentation of a payment form comprising a receipt and a life certificate both duly completed by the Government servant. A supply of life certificate forms may be obtained from the High Commissioner on the Government servant's written application.

NOTE 1.—if the leave-salary is drawn by a banker or agent who has executed a general bond of indemnity, a life-certificate should be produced at least once a year.

NOTE 2.—If the Government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

14. *Payment in a Colony.*—Payment of leave-salary will not be made by a Colonial authority unless the Government servant produces his copy of the warrant. Each payment made in the Colony will be endorsed upon the warrant.

When no space for the entry of endorsements of payment remains upon the back of the Colonial leave-salary warrant, or when a warrant is lost or destroyed, the Government servant concerned should make an application for a fresh warrant through the Colonial Disbursing Officer to the Audit Officer who issued the original warrant.

15. *Transfer of payment from one Colony to another.*—If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the Governor General in Council and to the High Commissioner.

16. *Transfer of payment from the Home Treasury to a Colony and vice versa.*—If a Government servant drawing his leave-salary in a Colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner. If one drawing his leave-salary from the Home Treasury desires to transfer payment to a Colony, he must obtain a warrant from the High Commissioner. A transfer of this kind must be reported by the Government servant to the Governor General in Council.

17. *Extension or commutation of leave.*—A Government servant absent on leave in Europe, North Africa, America or the West Indies who wishes to have his leave extended or commuted, must apply to the High Commissioner for India about three months before the expiry of his leave, and, unless the extension is desired on medical grounds, or is for a period of not more than 14 days, he must produce with his application evidence that the Government on whose cadre he is borne has been referred to by him and has no objection to the extension or commutation desired. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

18. If on medical grounds a Government servant on leave in any of the localities named in paragraph 17 desires an extension for more than 14 days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at the India Office for examination by the Board, but in special cases, and particularly if he is residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signature of qualified medical practitioners. If application for extension be delayed until the last two months of leave, advice of any extension granted for a period of more than seven days will be sent to India by telegraph and the cost of the telegram will ordinarily be charged to the Government servant.

19. If a Government servant on leave in any of the localities named in paragraph 17 has been granted leave on medical certificate and desires an extension on grounds other than medical, he must satisfy the Medical Board as prescribed in paragraph 18 above that he has recovered his health. Any such extension without medical certificate will only be admissible if the extension was due at the time the original leave was granted.

In the case of a Commissioned Medical Officer the Local Government will make a reference to the Director-General, Indian Medical Service, before granting the permission.

20. A Government servant on leave out of India elsewhere than in any of the localities named in paragraph 17, who wishes to have his leave extended or commuted must apply three months before the expiry of the leave to the authority in India which granted it.

21. If an application made under paragraph 20 above is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:—

“ We hereby certify that we have carefully examined C. D. of the \_\_\_\_\_ who is suffering from \_\_\_\_\_ and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his

present leave, which will expire in India on \_\_\_\_\_  
 shall be extended by \_\_\_\_\_ months \_\_\_\_\_  
 weeks

Date \_\_\_\_\_ } \_\_\_\_\_  
 Place \_\_\_\_\_ } \_\_\_\_\_."

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

22. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate or colonial leave-salary warrant has been issued unless he produces a certificate of leave (*vide* paragraph 7, *ante*).

23. Leave out of India on medical certificate may be commuted into leave without medical certificate if such leave was due at the time when the original leave was granted, and if the Government servant seeking commutation is certified, in the manner prescribed, to have recovered his health. When extension of the commuted furlough is applied for the application must be supported by evidence that the Government servant's local Government consents to the extension of his leave.

24. A Government servant who remains absent after the end of his leave is entitled to no leave pay for the period of such absence unless his leave is extended by the local Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purposes of Fundamental Rule 15, which runs as follows:—

"A Government servant shall not, save in the case of inefficiency or misbehaviour, be transferred substantively to a post carrying less pay than his relative position in the cadre of the service to which he belongs would justify."

25. *Return from leave.*—A Government servant may not without the permission of the authority which granted him leave, return to duty more than fourteen days before the end of long leave. The rule applies to Military Officers subject to the Military Leave Rules. He must obtain permission to return to duty from the local Government.

26. A Government servant who is required to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

27. If the Government servant desiring to return is on leave in any of the localities named in paragraph 17, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in paragraph 18 above. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

28. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in paragraph 17, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

29. Permission to return will not be granted to a Government servant, to whom no leave-salary certificate or colonial leave-salary warrant has been issued, until he produces a certificate of leave.

30. *Last-pay certificate.*—Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner and bring it with him to India and not leave it with his Home Agent as it will be required for presentation to the Audit Officer if it is desired to



draw on arrival in India the advance which is permissible under paragraph 35. In such an event the English last-pay certificate should be with the Government servant as it facilitates his identification at the Audit Office and the advance has to be recorded on the certificate. A last-pay certificate will not be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave. A Government servant who has drawn his leave-salary on a warrant must, on return to India, deliver to the Audit Officer by whom the pay of the post which he will join will be audited, his copy of the warrant which will serve as a last-pay certificate.

31. *Procedure on return to duty.*—A gazetted Government servant must report his return to duty to the Government under which he is serving. A Chaplain must report his return to the Bishop of his Diocese also.

32. A Government servant is not entitled on his return from leave to resume, as a matter of course, the particular post he vacated before his departure on leave, even though that post may be his substantive post; he must report his return to duty and await orders.

NOTE.—Members of the Engineer or Upper Subordinate Establishment of the Public Works Department should, on arrival at the port of debarkation, report themselves personally to the Secretary in the Public Works Departments of Bengal, Madras, Bombay or Burma as the case may be, and ask for orders. If they return *via* Karachi, they should apply to the office of the Executive Engineer, Karachi Canals, for orders.

33. A Government servant may return to India by any port and his leave ends on the day preceding that on which the vessel arrives at the port where he last quits it. If, however, the leave from which he returns is of four months' duration or less, his leave ends on the day preceding that on which he takes charge of his duties, unless he takes charge in the afternoon when the leave terminates on and includes that day.

34. On return to duty, the last-pay certificate obtained from the High Commissioner should be exchanged for a last-pay certificate which the Audit office of the province to which he has been posted will furnish, addressed to the treasury or office at which, after his return, the Government servant intends to draw his pay and allowances.

35. *Advances.*—A Government servant returning from leave out of India may be granted an advance of his leave-salary for the unexpired portion of his leave subject to a maximum of 35 days from the date of embarkation for India. On arrival in India an advance may, if he desires it, be paid to a Government servant by or under the order of the Audit office of the province to which he has been posted under Article 159 (b) of the Civil Account Code, Volume I [Article 337 (b) of the Posts and Telegraphs Initial Account Code, Volume I].

To a Chaplain appointed before the 7th June 1923, who is proceeding on leave to England, an advance of three months' leave-salary may be made, provided that no part of the leave is on average pay. Such an advance is not recoverable in the event of the Chaplain's death.

To a Military officer subject to the Military Furlough Regulations of 1868 proceeding on furlough (not combined with privilege leave) to England, an advance of furlough pay may, if he desires it, be made for three months from the date of embarkation. Payments in continuation will be made in England on the expiration of four months from that date.

36. *Acceptance of service during leave.*—A Government servant is not permitted to take any service or accept any employment without obtaining the previous sanction of—

(a) the Secretary of State, if the Government servant is residing in Europe, North Africa, America or the West Indies; or

A Civil Government servant on leave, who has received orders from the War Office or any other department of State in England to undertake any duty in the case of a national emergency, should

obtain the permission of the Secretary of State before complying with such orders.

- (b) the Governor General in Council, or the authority competent to appoint him, if he is residing elsewhere.

*37. Hospital for Tropical Diseases, Endsleigh Gardens.*—Government servants from India in the United Kingdom suffering from Tropical Diseases are not always aware that, whether they are actually on leave on medical certificate or not, it may be to their advantage to appear before the Medical Board in order that the Board may advise them as to the best steps to take regarding such diseases.

Arrangements have been made for the diagnosis and preliminary treatment of the diseases, and for the admission of officers, when necessary, as in-patients at the Hospital of Tropical Diseases, Endsleigh Gardens, N. W. 1. A report is furnished to officers by the Hospital, which they can take with them to their own Medical Adviser to enable him to carry out the treatment suggested. The cost of the examination and preliminary treatment at the Hospital, and also that of the accommodation supplied to officers admitted as in-patients, is defrayed by the India Office. The Hospital is, however, permitted to charge a special extra fee to senior officers of the Civil Department who, on admission as in-patients, are, at their own request, given special accommodation. This extra fee is payable by the officer himself, the India Office paying that portion only of the total charge which represents the cost of ordinary as distinct from special accommodation.

To secure these advantages, however, a recommendation to the Hospital for Tropical Diseases by the Medical Board is necessary, and, therefore, Government servants who wish to avail themselves of this arrangement should apply to appear before the Medical Board of the India Office as soon as possible after arrival.

## APPENDIX No. 9.

[Fundamental Rule 84.]

**Study Leave Rules prescribed by the Secretary of State in Council.**

(*Government of India, Finance Department, Resolution No. F.-20 (2)-C. S. R.—25, dated the 4th February 1925, as amended by Resolutions No. F.-3-II-C. S. R.—26, dated 18th January 1926, No. F.-24-II-R. I./27, dated 16th March 1928 and No. F.-12-R. I./28, dated 26th April 1928.*)

The Secretary of State in Council has been pleased to make certain changes in the Study Leave Rules prescribed by him in Council with reference to Fundamental Rule 84 and published with the Resolution by the Government of India in the Finance Department, No. 1698-C. S. R., dated 25th September 1923. The rules as amended are published as an annexure to this Resolution.

2. The Secretary of State has also decided that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in Rule 2 of the Study Leave Rules.

*Rules for the grant of additional leave to Government servants for the Study of Scientific, Technical or Similar Problems, or in order to undertake special Courses of Instruction.*

The following rules relate to study leave only. They are not intended to meet the case of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of Rules 50 and 51 of the Fundamental Rules. The rules apply to the Archaeological Department, the Public Health and Medical Research Departments (other than as regards officers of the Indian Medical Service to whom special rules apply), the Botanical Survey (including the officers of the Royal Botanic Garden, Calcutta), the Civil Veterinary Department, the Factory Department, the Geological Survey, the Agricultural Department, the Meteorological Department, the Railway Department (Traffic, Locomotive and Engineering Branches), the Telegraph Department, the Zoological Survey, the Education Department, the Public Works Department and the Forest Department (except in respect of continental tours, to which special rules apply). The rules also apply to Government servants selected for the Judicial Branch of the Indian Civil Service who are admitted to the benefit of the rules for the assistance of Government servants prosecuting legal studies at one of the Inns of Court, London, or the King's Inns, Dublin, for the period when they are reading in the Chambers of a practising Barrister in England, but in their case study leave should not ordinarily be granted after the twelfth year of service. The rules may be extended by the authorities empowered to sanction study leave under Rule 1 to any Government servant, including a Government servant of a Provincial Service, not belonging to any of the departments mentioned above, in whose case the sanctioning authority is of opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature.

**NOTE.**—The extension of these rules to the Public Works and Railway Departments does not affect the existing rules under which Government

servants are allowed to visit engineering works when on leave in Great Britain.

1. The powers granted by these Rules to the Government of India or to local Governments may be delegated by them to the High Commissioner for India, subject to any condition they may think fit to impose.

1A. Extra leave on half average pay for the purpose of study leave may be taken either in or outside India. It may be granted to a Government servant of any of the departments named above by the Local Government or Chief Commissioner under whom he is serving, provided that when a Government servant borne permanently on the cadre of one province or department is serving temporarily in another province or department the grant of leave is subject to the conditions (a) that the sanctioning authority can make local arrangements to carry on his work in his absence, and (b) that the sanction of the province or department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to Government servants of less than five years' service or to Government servants within three years of the date at which they have the option of retiring, or, if they have the option of retiring after 20 years' service, within three years of the date at which they will complete 25 years' service. Nor should it be granted to Government servants who are about to retire on proportionate pension.

NOTE.—Departments of the Government of India may grant study leave to Government servants under their administrative control, subject to the restrictions which apply to the powers of a local Government.

2. The grant of study leave should be made with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve an absence of over 28 months from a Government servant's regular duties, or exceed two years in the whole period of a Government servant's service; nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum, and should not be exceeded save for exceptional reasons.

3. A Government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

4. When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in India to his taking it as ordinary leave.

5. Except as provided in Rule 6, all applications for study leave should be submitted with the audit officer's certificate to the Head of the Department through the prescribed channel and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If the course of study is in Europe or America, the Head of the Department should also forward to the Secretary to the High Commissioner for India, General Department, a copy of the approved programme of study. If it is not possible for the Government servant to give full details, as above, in his original application, or if, at leaving India, he wishes to make any changes in the programme which has been approved in India, he should submit particulars as soon as possible to the Secretary to the High Commissioner for India, General Department. In such cases, he should not unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connection therewith, until he receives approval to the course through the High Commissioner.

6. Government servants on leave in Europe or America who wish to convert part of the leave into study leave or to undertake a course of study during leave, should, before commencing study and before incurring any expenses in connection therewith, submit a programme of their proposed course of study to the Secretary to the High Commissioner for India, General Department. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course, or examination, has the approval of the authorities in India. In the absence of such evidence the programme may, if approved by the High Commissioner, be proceeded with, but no study leave allowance will be admissible until the concurrence of the authority concerned in India is received.

Similarly, Government servants on leave in the United Kingdom who desire to have it extended for purposes of study under these Rules, should address the Secretary to the High Commissioner for India, but in addition to furnishing a statement of the proposed study they must support their applications with documentary evidence of their having obtained the approval of the authorities concerned in India to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the authority concerned in India to the grant of study leave <sup>and</sup> <sub>or</sub> study allowance.

6A. No course of study will be recognised as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the sanctioning authority in India in accordance with Rules 5 and 6 above, and unless, in cases where it has not been found possible to submit full particulars to the authorities in India, it has been approved in detail by the High Commissioner before it is begun.

7. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 12s. a day in the United Kingdom, 1l. a day on the continent of Europe, and 30s. a day in the United States of America. These rates are liable to revision. The rate to be granted to Government servants who take study leave in other countries, including India, will be specially considered by the Government of India or the Local Government in each case. In no case will subsistence allowance be granted in addition to study allowance and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government of India or the Local Government.

8. Study allowance will be admissible up to 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given at the discretion of the Government of India or a local Government for any period up to fourteen days at one time during which the officer is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited. If the Government servant is under civil leave rules the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

9. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the Government of India or the Local Government will be prepared to consider proposals that such fees should be paid by Government.

10. On completion of a course of study a certificate on the proper form (which may be obtained from the High Commissioner), together with certificates of examinations passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed or of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the authority which sanctioned the leave. In the case of a definite course of study at a recognised institution the study allowance will be payable by the High Commissioner or in India, as the case may be, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance. When the programme of study approved under Rule 5 does not include or does not consist entirely of such a course of study, the Government servant shall submit to the High Commissioner or to the authority in India which sanctioned his leave, as the case may be, a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestion as to the possibility of applying such methods or operations to India. The sanctioning authority in India will decide whether the diary and report show that the time of the Government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in Rule 7 may be granted.

11. Study leave will count as service for promotion and pension, but not for leave. It will not affect any leave which may already be due to a Government servant; it will count as extra leave on half average pay and will not be taken into account in reckoning the aggregate amount of leave on half average pay taken by the Government servant towards the maximum period admissible under the Fundamental Rules.

12. During study leave a Government servant will draw half average pay as defined in Rule 9 (2) of the Fundamental Rules, subject to the maxima and minima laid down in Rules 89 and 90, *ibid.* The rate of exchange prescribed by the Secretary of State in Council for the conversion of leave-salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. A Government servant may, subject to the approval of the proper authorities being obtained as required by Rule 5 or 6, undertake or commence a course of study during leave on average pay, and, subject to paragraphs 7 and 8, draw study allowance in respect thereof, provided that study allowance is not drawn for an aggregate period exceeding two years during the whole of a Government servant's service. This rule applies to military officers in civil employment taking leave under the Fundamental Rules.

13. On an application for study leave in Europe or America being sanctioned by the Government of Madras, Bombay or Bengal, the Local Government should inform the High Commissioner of the particulars of the case. When such leave is sanctioned by any other local Governments or Administration a report should be made to the Government of India, who will inform the High Commissioner. It will be necessary for the Government servant concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned the particulars should be reported to the Government of India.

#### *Government of India's decisions—*

(1) With reference to Rule 12 of the Study Leave Rules issued with Resolution No. F-20 (2)-C. S. R.—25, dated the 4th February 1925, the Government of India have decided that a military officer in civil employ taking study leave under military rules will draw the furlough pay admissible to him under those rules; if on combined leave he may be permitted to commence a course of study before the end of his privilege leave, and draw

for such period the study allowance admissible under Rule 7 of the Study Leave Rules quoted above, without forfeiture of privilege leave allowances the full amount of study leave taken being, for all purposes of record and subsequent calculation of leave, post-dated as if it commenced at the end of the privilege leave.]

[G. I. F. D. letter No. F.-20 (4)-C. S. R.—25, dated the 23rd March 1925.]

(2) The Government of India have delegated to the High Commissioner for India the power to grant study allowance during sickness under Rule 8 of the Study Leave Rules.

[G. I. F. D. letter No. F. 12-R. I./28, dated 25th July 1928.]

*Audit Instructions—*

(1) The limit of 28 months of absence from an officer's regular duties prescribed in Rule 2 of the Study Leave Rules includes the period of vacation, if any, with which Study Leave and other leave may be combined.

[Para. 21, Chapter X, Sec. I of Manual of Audit Instructions (1926).]

(2) A Government servant of the vacation department can draw study allowance during vacation if he prosecutes his studies during the period. The period of such a vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible (*vide* Rule 12 of the Study Leave Rules).

[Para. 9, Sec. X of Manual of Audit Instructions (1926).]

## APPENDIX No. 9A.

[Fundamental Rule 91 (4).]

**List of British Dominions and Colonies in which leave-salary may be drawn in sterling.**

(*Government of India, Finance Department, Res. No. F.-151-C. S. R.—24, dated 8th June 1926, as amended by their Res. No. F.-206-C. S. R.—27, dated 20th June 1927.*)

With reference to Fundamental Rule 91, the Secretary of State for India in Council has prescribed that leave-salary may be drawn in sterling in the following British Dominions and Colonies:—

## APPENDIX 15. (Referred to in Articles 862 and 966.)

<i>Dominion, Colony or Protectorate, etc.</i>	<i>Designation of Paying Officer.</i>
Bahamas . . . . .	Receiver-General, Nassau.
Barbados (and all other West Indian Islands except Jamaica).	Colonial Treasurer, Barbados.
Bermuda . . . . .	Command Paymaster, Army Pay Office, Bermuda.
British Guiana . . . . .	Colonial Secretary, Georgetown.
British Honduras . . . . .	Treasurer, Belize.
Egypt* . . . . .	Command Paymaster, Army Pay Office, Cairo.
Falkland Islands . . . . .	Treasurer, Stanley.
Fiji . . . . .	Colonial Treasurer, Suva.
Gambia . . . . .	Treasurer, Bathurst.
Gibraltar . . . . .	Command Paymaster, Army Pay Office, Gibraltar.
Gold Coast . . . . .	Treasurer, Accra.
Jamaica . . . . .	Command Paymaster, Army Pay Office, Jamaica.
Kenya . . . . .	Treasurer, Nairobi.
Malts . . . . .	Command Paymaster, Army Pay Office, Malta.
Mauritius . . . . .	Command Paymaster, Army Pay Office, Mauritius, or Colonial Secre- tary, Port Louis.
New South Wales . . . . .	Accountant, Commonwealth Sub- Treasury, Sydney.
New Zealand . . . . .	Commissioner of Pensions, Wellington.
Nigeria . . . . .	Treasurer, Lagos.
Northern Rhodesia . . . . .	The Treasurer, Livingstone.
Nyasaland . . . . .	Treasurer, Nyasaland . Protectorate, Zomba.
Queensland . . . . .	Accountant, Commonwealth Sub- Treasury, Brisbane.

\* So long as a British Pay Office exists in Egypt.



<i>Dominion, Colony or Protectorate, etc.</i>	<i>Designation of Paying Officer.</i>
St. Helena . . . . .	Colonial Treasurer, St. Helena.
Sierra Leone . . . . .	Command Paymaster, Army Pay Office, Sierra Leone.
Somaliland . . . . .	Treasurer, Somaliland Protectorate, Berbera.
South Australia . . . . .	Accountant, Commonwealth Sub- Treasury, Adelaide.
South Rhodesia . . . . .	Treasurer, Salisbury.
Tanganyika . . . . .	Treasurer, Dar-es-Salaam.
Tasmania . . . . .	Accountant, Commonwealth Sub- Treasury, Hobart.
Uganda . . . . .	Treasurer, Entebbe.
Union of South Africa . . . . .	Chief Pensions Officer, Pretoria.
Victoria . . . . .	Accountant, Commonwealth Sub- Treasury, Melbourne.
Western Australia . . . . .	Accountant, Commonwealth Sub- Treasury, Perth.

NOTE.—An officer residing in Canada or Newfoundland takes payment from the Home Treasury, remittance being effected, under arrangements made by the India Office, through the Bank of Montreal.

**APPENDIX No. 10.**

[Fundamental Rule 103.]

**Model terms for the grant of leave to Government officials engaged on contract as finally approved by the Secretary of State for India in Council.**

*(Government of India, Finance Department, letter No. F.-31-C. S. R.—24, dated the 11th October 1924 and No. F.-62-C. S. R.—26, dated the 28th April 1926.)*

1. Where the contract is for one year or less, no leave except on medical certificate (on average or half average pay), which would ordinarily be limited to two months reckoned in terms of leave on average pay.

2. Where the contract is for more than one year and less than three years, leave on average pay up to 1/11th of the period spent on duty, to which may be added on medical certificate leave on average or half average pay, provided that the total leave granted shall not exceed three months reckoned in terms of leave on average pay.

3. Where the contract is for three years or over, leave on average pay up to 1/11th of the period spent on duty, up to a maximum of four months at a time, to which may be added on medical certificate leave on average or half average pay up to a maximum of three months reckoned in terms of leave on average pay.

In the case of officers coming under Rules 2 and 3:—

- (a) Three months' extraordinary leave without pay may be granted in addition to the above, and
- (b) If the officer is in a Vacation Department, leave may only be granted in case of urgent necessity and if granted shall be on half average pay for a period not exceeding 1/11th of the period spent on duty in addition to any leave admissible on medical certificate. The officer may, however, be granted leave on leave-salary equivalent to average pay, to the extent of one month for each year on duty in which he has not availed himself of any part of a vacation.

In cases where—

- (a) the contract is for a longer term than 5 years, or
- (b) an original contract for 5 years is extended, or
- (c) on completion of his original contract of whatever term, a Government servant is taken into permanent employment,

the ordinary or special leave rules, as the case may be, as contained in the Fundamental Rules, will be made applicable.

Leave may be granted after the expiry of contract only where it has been applied for during the period of the contract and refused owing to the exigencies of the public service.

An officer whose services are dispensed with on grounds of ill-health shall be permitted to take all leave due to him before his service is terminated.

*(Government of India, Finance Department, letter No. F.-89-C. S. R.—25, dated the 22nd April 1925.)*

The Secretary of State in Council has decided that the principle that leave may be granted after the expiry of contract where it has been applied for during the period of the contract and refused owing to the exigencies of the public service is applicable also to officers serving on contract at the time the model leave terms were promulgated.

*(Government of India, Finance Department, letter No. F.-19-C. S. R.—25, dated the 16th June 1925.)*

The terms are intended to be applied in the case of Government servants engaged on contract in the United Kingdom or to those who, though residing in India at the time of engagement on contract, originally came out from the United Kingdom for employment in India.

### No. 1.

*Page 418, Appendix 10—*

*Insert the following at the end of this Appendix:—*

*“(Government of India, Finance Department, letter No. F/62-C. S. R./26, dated the 28th April 1926.)*

The Secretary of State in Council has approved the amendment of the model terms of leave to officers engaged on contracts so as to provide that where an original contract is extended so as to make the total period of service longer than 5 years the officer in question shall be brought under the ordinary or special leave rules as the case may be, as contained in the Fundamental Rules.”

(No. 1, dated the 25th April 1931.)

### No. 141.

*Page 418, Appendix 10—*

*Insert the following at the end of this Appendix:—*

*“(Government of India Finance Department letter No. F.-171-R.1/30, dated the 6th July 1931 to the High Commissioner for India.)*

The Governor General in Council has decided that the model terms for the grant of leave to officers engaged on contract should in future apply only to officers of non-Asiatic domicile. It follows, therefore, that such terms will not apply to officers of Asiatic domicile even if they are recruited in the United Kingdom.”

(No. 141, dated the 25th September 1931.)

**APPENDIX No. 11.****Orders issued by the Governor General in Council under Fundamental Rule 114.**

The Governor General in Council is pleased to issue, under Fundamental Rule 114, the following orders regulating the amount of remuneration which may be sanctioned by a local Government for a Government servant transferred to foreign service in an Indian State:—

1. When the transfer of a Government servant to foreign service in an Indian State is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government servant will be permitted to receive any remuneration or enjoy any concession which is not so specified; and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.
  2. No order of transfer to foreign service shall be issued by a local Government without previous consultation with its Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.
  3. The following two general principles must be observed by local Governments in sanctioning the conditions of transfer:—
    - (a) The terms granted to the Government servant must not be such as to impose an unnecessarily heavy burden on the Indian State which employs him.
    - (b) The terms granted must not be so greatly in excess of the remuneration which the Government servant would receive in Government service as to render foreign service appreciably more attractive than Government service.
  4. Provided that the two principles laid down in paragraph 3 above are observed, a local Government may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course, but in those cases only in which the local Government considers that circumstances justify their grant:—
    - (a) The payment of contributions toward leave-salary and pension under the ordinary rules regulating such contributions.
    - (b) The grant of travelling allowance under the ordinary travelling allowance rules of the local Government or under the local rules of the Darbar, and of permanent travelling allowance, conveyance allowance and horse allowance.
    - (c) The use of State tents, boats and transport on tour; provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.
    - (d) The grant of free residential accommodation, which may be furnished, in cases in which the local Government considers this to be desirable, on such scale as may seem proper to the Local Government.
    - (e) The use of State motors, carriages and animals.
  5. The grant of any concession not specified in paragraph 4 above requires the sanction of the Governor General in Council.
- [G. I. F. D. No. 1360-E. B., dated 10th Dec. 1921.]

## APPENDIX No. 11A.

[Fundamental Rules 116 and 117.]

**Rates of contribution payable on account of pension and leave-salary during foreign service.**

(*Government of India, Finance Department, Resolution No. F.-81-R. I./24, dated 11th February 1929, as amended by G. I., F. D., Resolution No. D.-484-R.-II, dated 15th February 1930.*)

1. In supersession of the rates of contribution for pension and leave-salary, fixed in the Government of India, Finance Department, letters No. 64-E. B., dated the 27th January 1922, and No. F.-81-C. S. R./24, dated the 4th August 1924 (*vide* entries below F. R. 116), for officers other than military officers in foreign service, the Governor General in Council is pleased to prescribe, with reference to Fundamental Rules 116 and 117 as amended by the Secretary of State in Council in his Resolution, dated the 5th September 1928, and published with the Government of India, Finance Department, Resolution No. F.-81-R.-I./24, dated the 1st November 1928 (*i.e.*, F. R.'s 116 and 117 as given in this edition), the rates of contributions shown in the Annexure to this Appendix. The general principles on which the revised rates have been calculated are explained below.

2. The rates of contribution for pension have been based on the pensionary benefit admissible to an officer according to the service or the grade to which he belongs instead of on the actual pay drawn in foreign service, as was the case with the rates which are now being superseded. The pensionary benefit admissible to a member of the Indian Civil Service has been taken at £1,000 *per annum*, which is the amount of full pension earned by him after 25 years' service; and to a member of any of the Superior Civil Services other than the Indian Civil Service, Rs. 8,800 *per annum*, which is made up of Rs. 7,000 earned by him as ordinary pension after 30 years' service, and Rs. 1,800 the estimated amount of additional pension which is earned on the average by members of these services who are transferred to foreign service. The pensionary benefit admissible to a member of a Provincial or Subordinate Service has been taken to be one-half of the maximum pay of the grade substantively held by him in Government service. The reason for calculating the rates of contribution in respect of members of these two classes of services in a manner different from that adopted in the case of other services is that in their case pension is not subject to any fixed maximum. The rates have been calculated in sterling where the pension is a sterling pension or is payable in sterling at a privileged rate of exchange, and the calculations have been so made as to provide a sliding scale of contributions according to length of service roughly parallel to the annual increase of pay in Government service.

3. The rates of contribution for leave-salary have been calculated, as before, on the basis of actual pay drawn in foreign service. The increase in these rates is due to the fact that, when the previous rates were calculated, the more liberal leave rules of 1920 and 1922 had just been introduced, and there were no data on which to base an estimate of the amount of leave which an officer would normally take under these rules. It has now become possible to gauge with fair accuracy the amount of leave taken by officers of the various services, and the revised rates are based equitably on recent experience.

4. The rate of interest adopted in the calculations is  $4\frac{1}{2}$  *per cent. per annum*, and the rates of mortality assumed for the various classes of Government servants are based on expert actuarial advice.

5. The revised rates take effect from the 1st March 1929. The question, however, of the rates at which contribution for pension will be recovered in the case of Government servants transferred to foreign service before the 5th September 1928, who do not belong to the Superior Services and who retire either directly at the end of their present sanctioned term of foreign

service or within three years of its conclusion and are entitled, in accordance with the provisions of the old Fundamental Rule 116, to a pension calculated wholly or partly, as the case may be, on their pay in foreign service, is still under consideration, and the decision arrived at will be announced in due course.

6. The rates of contribution for pension and leave-salary in respect of military officers in foreign service are at present under revision, and will be promulgated as soon as possible.

7. A Government servant who is a subscriber to a Contributory Provident Fund and who is transferred to foreign service shall, if he is allowed to retain that privilege, pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer, or the officer himself, according to the arrangement made under clause (c) of Fundamental Rule 115, shall pay, in addition, at such times as Government may prescribe in each case, a contribution calculated on the monthly subscriptions so determined and equal in amount to what Government would have credited to the subscriber's account on that basis.

### ANNEXURE.

#### *I.—Rates of monthly contribution for pension payable during active foreign service in respect of—*

Length of Service.	Members of the Indian Civil Service with Non- Asiatic domicile.	Members of the Indian Civil Service with Asiatic domicile.	Members of the other Superior Services with Non- Asiatic domicile.	Members of the other Superior Services with Asiatic domicile.
	£ s.	£ s.	£ s.	Rs.
0—1 year . . . . .	7 10	6 12	5 12	56
1—2 years . . . . .	8 15	7 14	6 6	63
2—3 " . . . . .	10 0	8 16	7 0	70
3—4 " . . . . .	11 5	9 18	7 14	77
4—5 " . . . . .	12 10	11 0	8 8	84
5—6 " . . . . .	13 15	12 2	9 2	91
6—7 " . . . . .	15 0	13 4	9 16	98
7—8 " . . . . .	16 5	14 6	10 10	105
8—9 " . . . . .	17 10	15 8	11 4	112
9—10 " . . . . .	18 15	16 10	11 18	119
10—11 " . . . . .	20 0	17 12	12 12	126
11—12 " . . . . .	21 5	18 14	13 6	133
12—13 " . . . . .	22 10	19 16	14 0	140
13—14 " . . . . .	23 15	20 18	14 14	147
14—15 " . . . . .	25 0	22 0	15 8	154
15—16 " . . . . .	26 5	23 2	16 2	161
16—17 " . . . . .	27 10	24 4	16 16	168
17—18 " . . . . .	28 15	25 6	17 10	175
18—19 " . . . . .	30 0	26 8	18 4	182
19—20 " . . . . .	31 5	27 10	18 18	189
20—21 " . . . . .	32 10	28 12	19 12	196
21—22 " . . . . .	33 15	29 14	20 6	203
22—23 " . . . . .	35 0	30 16	21 0	210
23—24 " . . . . .	36 5	31 18	21 14	217
24—25 " . . . . .	37 10	33 0	22 8	224
25—26 " . . . . .	37 10	33 0	23 2	231
26—27 " . . . . .	37 10	33 0	23 16	238
27—28 " . . . . .	37 10	33 0	24 10	245
28—29 " . . . . .	37 10	33 0	25 4	252
Over 29 years . . . . .	37 10	33 0	25 18	259

*II.—Rates of monthly contribution for pension payable during active foreign service in respect of—*

Length of Service.	Members of the Provincial Services.	Members of the Subordinate Services.
	Percentage of the maximum monthly pay of the grade substantively held.	Percentage of the maximum monthly pay of the grade substantively held.
0—1 year . . . . .	4	3
1—2 years . . . . .	5	4
2—3 " . . . . .	5	4
3—4 " . . . . .	5	4
4—5 " . . . . .	6	5
5—6 " . . . . .	6	5
6—7 " . . . . .	6	5
7—8 " . . . . .	7	6
8—9 " . . . . .	7	6
9—10 " . . . . .	7	6
10—11 " . . . . .	8	7
11—12 " . . . . .	8	7
12—13 " . . . . .	8	7
13—14 " . . . . .	9	8
14—15 " . . . . .	9	8
15—16 " . . . . .	9	8
16—17 " . . . . .	10	9
17—18 " . . . . .	10	9
18—19 " . . . . .	10	9
19—20 " . . . . .	11	10
20—21 " . . . . .	11	10
21—22 " . . . . .	11	10
22—23 " . . . . .	12	11
23—24 " . . . . .	12	11
24—25 " . . . . .	13	11
25—26 " . . . . .	14	12
26—27 " . . . . .	14	12
27—28 " . . . . .	14	12
28—29 " . . . . .	15	13
Over 29 years . . . . .	15	13

*III.—Rates of monthly contribution for leave-salary payable during active foreign service in respect of—*

	Percentage of pay drawn in Foreign Service.
Members of the Superior Services subject to the Special leave rules . . . . .	16½
Members of the Superior Services subject to ordinary leave rules . . . . .	15
Members of the Provincial and Subordinate Services . . . . .	12½

*Government of India's orders—*

(1) (i) The term 'active foreign service' used in the Annexure is intended to include the period of joining time which may be allowed to an officer both on the occasion of his proceeding to and reverting from foreign service, and accordingly contributions are leviable in respect of such periods.

(ii) 'Length of Service' means the total period running from the date from which service for pension commences or is likely to commence, including service counting for pension under Articles 370 and 371, Civil Service Regulations.

(iii) The sterling rates of pension contribution shown in the Annexure should be converted into Indian Currency at the uniform rate of 1s. 6d. to the rupee.

(iv) The revised rates of contributions are intended to apply with effect from the 1st March 1929 to all Government servants transferred to foreign service on or after the 27th January 1922, subject to the exception mentioned in paragraph 5 of this Appendix. In this connection attention is invited to the Government of India, Finance Department, letter No. 1391-C. S. R., dated 17th August 1923 [*vide* item (2) of 'Government of India's decisions' under F. R. 109], according to which an extension of the period of foreign service on or after the 1st January 1922, is treated as a fresh transfer for the purposes of F. R. 109.

(v) Under F. R. 116, the rates of contributions for pension and leave-salary fixed in Government of India, Finance Department, letters No. 64-E. B., dated the 27th January 1922, and No. F.81-R. I./24, dated the 4th August 1924 [items (1) and (4), of 'Government of India's orders' under F. R. 116], are hereby prescribed as the rates applicable during the period 5th September 1928 to 23th February 1929.

(vi) In the case of a temporary Government servant who is transferred to foreign service, it is for the Local Government concerned to decide whether or not to recover pension contributions having regard to the probabilities of the Government servant qualifying for a pension. If it is decided to recover such contributions they should be calculated, with reference to his length of service in the following manner:—

(a) if he is on a time-scale of pay, on the maximum of time-scale, and

(b) if he is on a fixed rate of pay, on that pay.

In such cases the recovery of contributions for leave-salary does not present any difficulty the amounts being calculated on the pay actually drawn in foreign service.

[G. I. F. D. letter No. F. 1-XI. R. I./29, dated 17th May 1929.]

(2) For the purposes of this Appendix Gazetted Officers of the Indian Posts and Telegraphs Department other than those belonging to a service classed as 'Superior' for purposes of the Superior Civil Services Rules, should be classed as members of the Provincial Services, the non-gazetted officers in that Department being classified as members of the Subordinate Services.

[G. I. I. & L. D. letter No. 1455-Est. A./29, dated 13th Jan. 1930.]

(3) The Governor General in Council has decided that when a Government servant is transferred to foreign service, or when the period of foreign service of a Government servant is extended, it should be stipulated that contributions for pension and leave-salary or for pension alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with orders issued under Fundamental Rule 116.

[G. I. F. D. No. F.—I.—XXIV-R. I./29, dated the 23rd Aug. 1929.]



(4) The maxima rates of pay prescribed in paragraph 8 of the Government of India, Finance Department, letter No. F.—81-C. S. R. 194 dated 11. 11. 1924, [item (4) of the ...]

### No. 122.

Page 424, Appendix 11-A—

Insert the following as item (5) of "Government of India's orders" in this Appendix:—

"(5) The Government of India have decided that in the case of officers belonging to the category mentioned in paragraph 5 of this Appendix and serving elsewhere than in Iraq, contribution for pension should be recovered, with effect from 1st March 1929, in accordance with the rates prescribed in this Appendix.

(For Officers serving in Iraq, see item (6) of Government of India's orders under F. R. 116, as inserted by Correction No. 121, dated the 25th July 1931.)"

[G. I., F. D., letter No. F. 81-R. I/24, dated 4th June 1931.]

(No. 122, dated the 25th July 1931.)

In the case of Government servants who are promoted from a lower to a higher service, the length of service should, in all cases, be taken as the total service, reckoning from the date of commencement of pensionable service under Government; and contribution should be levied in accordance with the table appropriate to the service to which the particular Government servant on foreign service at the time belongs.

The Auditor General has also decided with the concurrence of the Government of India that the assessment of contribution should be made after taking into account the temporary and officiating service rendered by Government servants transferred to foreign service. No refunds of contribution should be made even if it is eventually decided that the temporary or officiating services, taken into account in the original calculation of contribution, should not count for pension.

[Ar. Genl.'s Endst. No. 4-A./123-29, dated 11th January 1930 and Ar. Genl.'s Endst. No. C-A. 123-29, dated 11th January 1930.]

## APPENDIX No. 12.

**\*Memorandum Explanatory of each rule contained in the Supplementary Rules.**

*Rule 1.*—This sets forth the extent of application of the rules, and calls for little explanation. It may be mentioned, however, that Government servants who are under the administrative control of a Governor in Council acting as the agent of the Governor General in Council will be bound by such supplementary rules as the Governor in Council may make under the fundamental rules. They will be regarded as under his administrative control for the purposes of fundamental rule 4.

*Rule 2.*—

*Clause (1).*—The definition in this clause is taken without change, other than verbal, from Article 13 of the Civil Service Regulations.

*Clause (2).*—This is a new definition, introduced for the purpose of rule 292.

*Clause (3).*—This new definition replaces that of Article 15, Civil Service Regulation, in view of the more definite responsibility for audit placed upon the Auditor General by the rules made under section 96D of the Government of India Act.

*Clause (4).*—The definition of “camp equipage” is taken unchanged from Article 19, Civil Service Regulations.

*Clause (5).*—This definition also is taken without change, other than verbal, from Article 19, Civil Service Regulations.

*Clause (6).*—This is a new definition, inserted for drafting purposes to facilitate the indication, in the body of the rules, of powers which may possibly be delegated.

*Clause (7).*—The only respect in which this definition differs from that contained in Article 23, Civil Service Regulations, is its inclusion of the words “for all purposes”. These have been inserted to make it quite plain that the definition is applicable to the word “day” as used in *all* rules, including such rules as 61, 74 (c), 82 (b) (ii) and 185 (a).

*Clause (8).*—The definition of “family” is taken from Article 25, as modified by rule 4 under Article 1094A, Civil Service Regulations. The limitation to one wife follows an existing ruling of the Government of India.

*Clause (9).*—The definition of “Finance Department” is included for drafting purposes only.

*Clause (10).*—This definition replaces the cumbersome wording of Article 29A, Civil Service Regulations, and leaves it to the Government of India to prescribe a new list of heads of departments.

*Clause (11).*—This is a new definition, required for the purposes of rules 61 and 127-129.

*Clause (12).*—This also is a new definition, inserted for the purpose of such rules as those contained in Division IX of the rules.

*Clause (13).*—This definition replaces that contained in Article 396, Civil Service Regulations. With the new wording, a list on the lines of Part I of Appendix 7-A to the Civil Service Regulations will still be necessary; but Part II of the Appendix will, it is hoped, become unnecessary.

*Clause (14).*—This is a new definition, inserted for the purposes of rules 236-237.

*Clause (15).*—This is a new definition, inserted for the purpose of rule 291.

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\*The references in this memorandum to rules in the Supplementary Rules are to the rules as they stood on 1st January 1922.

*Clause (16)* is the definition of Article 44, Civil Service Regulations, with the omission of the examples contained in that article.

*Clause (17).*—See note on clause (13) above.

*Clause (18).*—This is a new definition. It may be noted that the “change of headquarters” contemplated by sub-clause (b) of the clause is a real change. Movement with the headquarters of a Government from a plains to a hill station is not a transfer.

*Rule 3.*—This repeats, with slight changes in wording, the certificate now contained in Article 49, Civil Service Regulations.

*Rule 4.*—The main portion of this rule follows Article 49, Civil Service Regulations, in prescribing particular officers who may sign a medical certificate. Proviso (1) taken from the note under Article 50, and proviso (2) follows the principle laid down in the second part of that article.

*Rule 5.*—This repeats the principle which now appears in Article 62 (c) (i) of the Civil Service Regulations.

*Rule 6.*—This rule replaces the rather complicated rules which are now scattered over Articles 62, 267 and 268 of the Civil Service Regulations. The regulations have been somewhat liberalised.

*Rule 7.*—The portion of this rule which governs drawal on leave is taken unchanged from Article 268 (a), Civil Service Regulations. The portion governing drawal during temporary transfer is an extension of the concession made by Article 62 (b).

*Rule 8* reproduces the substance of a portion of note 3 under Article 62, Civil Service Regulations.

*Rule 9* is an introductory rule only.

*Rule 10* sets forth a general principle which underlies the existing rules on the subject.

*Rule 11* contains the general principle underlying Article 72 (c), Civil Service Regulations.

*Rule 12* contains the substance of provisos (1) and (2) of Article 74 (a), Civil Service Regulations.

*Rule 13* contains the substance of Article 74 (b), Civil Service Regulations.

*Rule 14* repeats the principle of note 1 to Article 74, Civil Service Regulations.

*Rules 15 and 16* apply to all classes of Government servants the general principles underlying paragraph 156 of the Public Works Department Code.

*Rule 17.*—This is a re-draft of Article 1002 of the Civil Service Regulations. The following changes require special mention:—

- (a) The word “grade” has been substituted for “class” in order to avoid the existing confusion between a class of railway or steamer accommodation and a class of officer.
- (b) The reference to maximum pay has been omitted, as it has already been held not to apply to Government servants on time-scales of pay, while progressive pay ceased to exist with the introduction of the fundamental rules. The note under the rule safeguards the interests of present holders of posts on progressive pay.
- (c) All special classifications on grounds other than those based on pay and all special concessions have been omitted from the rule and left to be treated as orders issued under rule 18.

*Rule 18.*—This rule has been inserted to cover the special classifications now made in Article 1002 and Appendix 18 of the Civil Service Regulations.

*Rule 19* contains the substance of Article 1007, Civil Service Regulations, with changes in wording to suit the wording of the fundamental rules.

*Rule 20* contains the substance of Article 1005, with “competent authority” substituted for “Local Government”, and the proviso omitted because

it states an obvious fact. The insertion of the condition, that the grade should be fixed with due regard to the Government servant's status, is necessary for the reason stated in the note on rule 18.

*Rule 21.*—The first part states a fact which is not explicitly set forth in the Civil Service Regulations. The second part is taken from the note under the heading of Chapter LII, Civil Service Regulations.

*Rule 22.*—The second part of this rule is taken from the first part of Article 1044, Civil Service Regulations. The first part provides for a definite power to grant permanent travelling allowances in certain circumstances.

*Rule 23* is taken from the first part of Article 1047, Civil Service Regulations, with an addition to provide for the new conditions introduced by supplementary rule 6.

*Rule 24* contains the substance of that part of Article 1009, Civil Service Regulations, which concerns permanent travelling allowance.

*Rule 25* contains the substance of Article 1074, Civil Service Regulations, with the addition of a definite provision for the power of sanctioning conveyance allowances.

*Rule 26.*—The substantive portion of this rule is taken from Article 1076 (a), Civil Service Regulations. The proviso is intended to cover the restrictions which are ordinarily imposed upon Government servants drawing motor-car allowances.

*Rule 27.*—The first part of this rule is taken from Article 1076 (b), Civil Service Regulations. The second part provides for the new conditions introduced by supplementary rule 6.

*Rule 28* reproduces the substance of Article 1078, Civil Service Regulations, with an increase in the maximum rates of allowance admissible to suit changed conditions of travelling.

*Rule 29* contains a definition which is not actually laid down in the Civil Service Regulations.

*Rule 30* is reproduced from Article 996, Civil Service Regulations.

*Rule 31* contains the substance of Article 997, Civil Service Regulations, with "competent authority" substituted for the authorities to whom power is actually delegated by that article.

*Rule 32* follows the lines of Article 998, Civil Service Regulations.

*Rule 33* is a new rule, introductory to the following sub-sections of the rules.

*Rule 34* contains the substance of Article 1011, Civil Service Regulations, re-arranged and re-worded in places, with notes 1 and 4 under that article.

*Rule 35* is a general rule which will cover all the exceptions and concessions under Article 1011, Civil Service Regulations.

*Rule 36* is reproduced from Article 1012, Civil Service Regulations.

*Rule 37* contains the substance of note 2 under Article 1011, Civil Service Regulations.

*Rule 38* contains the substance of note 3 under Article 1011, Civil Service Regulations.

*Rule 39* contains a saving reference to rule 84.

*Rule 40* is Article 1016, Civil Service Regulations, re-arranged.

*Rule 41* is taken from Article 1017, Civil Service Regulations, with the omission of the double daily allowance given to a Government servant of the fourth grade, which is taken to its proper place, as a daily allowance, in rule 58. The second paragraph of the rule incorporates a recent ruling of the Government of India.

*Rule 42* contains the substance of Article 1020, Civil Service Regulations.

*Rule 43* is taken from Article 1031, Civil Service Regulations.

*Rule 44* is an expanded version of Article 1028, Civil Service Regulations.

*Rule 45* is Article 1033, Civil Service Regulations, re-worded.

*Rule 46.*—Clause (a) is reproduced from Article 1034, Civil Service Regulations. Clause (b) contains the substance of a recent order of the Government of India.

*Rule 47* is intended to cover exceptions such as those set forth in Article 1036, Civil Service Regulations.

*Rule 48* is reproduced from Article 1035, Civil Service Regulations.

*Rule 49* is a new definition, based mainly upon the wording of Article 1052 (a), Civil Service Regulations.

*Rule 50* states a general principle underlying Article 1052, Civil Service Regulations.

*Rule 51.*—Clause (a) of this rule repeats the substance of Article 1063, Civil Service Regulations, and the note under the rule safeguards the interests of present holders of posts on progressive pay. Clause (b) contains the substance of a recent order of the Government of India.

*Rule 52* covers the exceptions under Articles 1063 and 1064, Civil Service Regulations. The condition is inserted for the reason stated in the note on rule 18.

*Rule 53* is a new rule which makes plain an existing fact which is not specifically stated in the Civil Service Regulations.

*Rule 54* also is a new rule which requires no explanation.

*Rule 55* embodies the principle underlying Article 1021, as well as part of Article 995, Civil Service Regulations.

*Rule 56* contains the substance of Articles 1139 and 1140, Civil Service Regulations. The conditions on which concessions may be given are not specified in the rule. They will be specified in the orders of delegation in case any delegation is made.

*Rule 57* is reproduced from Article 1037 (a), Civil Service Regulations.

*Rule 58.*—The main portion of this rule has been taken out of Article 1017, Civil Service Regulations, in which the double daily allowance was incorrectly classed as mileage allowance. The rule has been amplified to make it clear that more than double daily allowance may not in any circumstances be drawn. This point was left in uncertainty by the wording of the Civil Service Regulations.

*Rule 59* contains the substance of Article 1160, Civil Service Regulations.

*Rule 60* replaces the first part of Article 1041, Civil Service Regulations, with the substitution of "sphere of duty" for "limits of ordinary jurisdiction," which was hardly appropriate in a rule which deals with menials as well as higher classes of Government servants.

*Rule 61.*—This definition of "tour" is based upon Article 1038 of the Civil Service Regulations. The note under the rule is taken from exception 1 under Article 1055.

*Rule 62* is a new rule, which calls for no explanation.

*Rule 63* is based upon the second part of Article 1041, Civil Service Regulations.

*Rule 64* contains the substance of Article 1039, Civil Service Regulations. Appendix 20 will be replaced by lists of Government servants in whose case declarations have been made under this rule, which will be maintained by audit officers.

*Rule 65* sets forth, rather more fully, a statement of fact which is now contained in Article 1038, Civil Service Regulations.

*Rule 66* contains the substance of Article 1042, Civil Service Regulations.

*Rule 67* is taken from Articles 1044 and 1045, Civil Service Regulations.

*Rule 68* is Article 1046, Civil Service Regulations, as altered by a recent decision of the Government of India.

*Rule 69* is a new rule, which states a principle which underlies the rules in the Civil Service Regulations.

*Rule 70* reproduces part of Article 1052, Civil Service Regulations, and the whole of Article 1053. The last part of the rule settles a vexed point in the light of actual practice. The question is whether, when a Government servant travels from his headquarters, A, to a point B, and thence passes by railway back through A to another point C, the journey from the original departure from A until the final return to A from C is all one journey. Under the new rule, one journey will end and another begin when the Government servant passes through A on his way to C.

*Rule 71* contains the substance of the first part of Article 1055, Civil Service Regulations.

*Rule 72* is taken from Article 1052 (a), Civil Service Regulations.

*Rule 73* reproduces the substance of Article 1056, Civil Service Regulations. It is not considered necessary to reproduce in the rule the example contained in the last paragraph of the Article, which is covered by the general provision "on such conditions as it thinks fit."

*Rule 74* reproduces the substance of Article 1057, Civil Service Regulations.

*Rule 75* contains the substance of Article 1066, Civil Service Regulations. The limitation to the case of Government servants whose pay does not exceed Rs. 200 is reproduced as a condition of delegation in Appendix 13.

*Rule 76—*

*Clause (a)* of this rule contains the substance of Article 1065 (i) and (ii), Civil Service Regulations, and of rule 2 under them, with the omission of the reference to a non-gazetted ministerial or menial servant, which is taken into rule 77.

The proviso and note under the clause incorporate the substance of certain rulings of the Government of India which now appear in provincial supplements only.

*Clause (b)* contains the substance of Article 1065 (iii) (1), Civil Service Regulations, and of the note under it. The proviso in the note is not repeated, as it is considered that a road journey cannot be said to be "combined" with a rail or steamer journey unless it is made in direct continuation of it.

*Rule 77* repeats part of Article 1065 (ii), Civil Service Regulations, and rule 1 under that article.

*Rule 78—*

In this rule are collected the various provisions relating to the travelling allowance drawn on tour by Government servants in inferior service.

*Clause (a)* of the rule is taken from Article 1073, Civil Service Regulations.

*Clause (b)* makes a reference to the concessions allowed by rule 58.

*Clause (c)* covers the concession given by Article 1065 (ii), Civil Service Regulations.

*Clause (d)* covers the relevant portion of Article 1065 (iii), Civil Service Regulations.

*Rule 79* reproduces the substance of Article 1061 (a), Civil Service Regulations.

*Rule 80* repeats the substance of Article 1062, Civil Service Regulations.

*Rule 81.*—*Clause (a)* is Article 1000 of the Civil Service Regulations, and *clause (b)* is Article 1001 with slight changes in wording.

*Rule 82* is a re-arrangement of Article 1067, Civil Service Regulations.

*Rule 83* is a re-arrangement of rule 1 under Article 1067, Civil Service Regulations.

*Rule 84.*—This is Article 1015, Civil Service Regulations, re-arranged and re-worded in places. The "Consulting Engineer's Department" is changed to "Government Inspectors' Department" in view of a change of nomen-

clature. Exception (i) under clause (b) of the rule is taken from the footnote on page 290 of the Civil Service Regulations. Exception (ii) reproduces clause (c) (i) of Article 1015, with the addition of two provisos designed to remove existing anomalies. Exception (iii) is clause (c) (ii) and exception (iv) clause (c) (iii) of the article.

*Rule 85* reproduces the substance of Articles 1068 and 1069, with a change of titles to represent existing nomenclature.

*Rule 86* contains the substance of Article 1072 (a), Civil Service Regulations.

*Rule 87* is a re-arrangement of Article 1070 (a), Civil Service Regulations. The table in that article is not reproduced in the rule, but will be treated as prescribed by the Governor General in Council under the rule.

*Rule 88* repeats the substance of Article 1071, Civil Service Regulations.

*Rule 89* provides for the cases now shown in Appendix 27 of the Civil Service Regulations. The entries in that schedule which concern Government servants subordinate to the Governor General in Council will be treated as covered by orders made by the Governor General in Council, as a competent authority, under this rule.

*Rule 90* repeats the provisions of the latter part of Article 1055, with an obviously equitable extension to cover the cost of journeys by all kinds of public conveyance.

*Rule 91* combines the provisions of Articles 1054 and 1059, Civil Service Regulations.

*Rules 92 and 93* are taken from Article 1153 and a recent re-draft of Appendix 30 to the Civil Service Regulations.

*Rule 94* is taken from rule 7 of Part I of Appendix 30.

*Rule 95* is taken from Article 1145, Civil Service Regulations, as recently re-drafted to become a part of Appendix 30.

*Rule 96* is taken from note 2 under article 1000, Civil Service Regulations.

*Rule 97* reproduces the latter part of Article 1145, Civil Service Regulations.

*Rules 98 and 99* contain the substance of Article 1148, Civil Service Regulations, as recently revised.

*Rule 100* is reproduced from rule 1 (a) of Part II of Appendix 30 to the Civil Service Regulations.

*Rule 101.*—Part III of Appendix 30 contains varying rules for different officers who are entitled to reserve compartments. This rule replaces these varying conditions by one uniform condition, based upon that now applicable, among others, to Secretaries to the Government of India.

*Rule 102.*—This is a new rule, but it sets forth an existing concession.

*Rule 103* covers a concession now given by rule 1 (d) of Part III of Appendix 30 to the Civil Service Regulations.

*Rule 104* is a new rule which embodies an existing practice.

*Rules 105 and 106* embody the principles underlying Article 1083, Civil Service Regulations.

*Rule 107* is reproduced from Article 1084, Civil Service Regulations.

*Rule 108* is taken from Article 1085, Civil Service Regulations, with an addition to make it clear that the rule applies to journeys in Indian waters only.

*Rule 109* contains the relevant portion of Article 1086, Civil Service Regulations.

*Rule 110* is taken from rule 8 of Part I of Appendix 30 to the Civil Service Regulations.

*Rule 111* sets forth, in simpler terms, the real principle underlying Article 1093, Civil Service Regulations.

*Rule 112* sets forth specifically a condition which underlies the existing rules, though it is not expressly stated in the Civil Service Regulations.

*Rule 113* applies to cases of first appointment generally a principle which is specifically laid down for one case in Article 1033, Civil Service Regulations.

*Rule 114* contains the substance of the first part of Article 1094 and of Article 1100 of the Civil Service Regulations. An extension has been made to allow, in special cases, the grant of travelling allowance to a Government servant transferred at his own request.

*Rule 115* combines part of Article 1094 with Article 1101, Civil Service Regulations.

*Rule 116* contains a re-arrangement of the main provisions of Article 1094, Civil Service Regulations. The second part of clause (b) (iii) of the rule embodies a recent decision of the Government of India.

*Rule 117* is taken from rule 8 of Part I of Appendix 30 to the Civil Service Regulations.

*Rule 118* is taken from rule 1 (ii) of Part II of Appendix 30, as interpreted by the Government of India.

*Rule 119* is reproduced from Article 1095, read with Article 1067, Civil Service Regulations, with an addition to cover an existing concession to families.

*Rule 120* is reproduced from Article 1096, Civil Service Regulations.

*Rule 121* contains the relevant portion of Article 1098A, Civil Service Regulations.

*Rule 122* is reproduced from Article 1094 (F), Civil Service Regulations.

*Rule 123* is Article 1103, Civil Service Regulations, re-worded.

*Rule 124* takes the place of Article 1104, Civil Service Regulations. It is intended to cover three different cases:—

- (a) Where short leave is sanctioned for a Government servant after he has received orders of transfer, but before he has left his old station.
- (b) Where short leave is sanctioned for a Government servant while he is actually in transit from the old station to the new.
- (c) Where a Government servant is transferred while he is actually on short leave.

In all these cases he will be permitted, as at present, to draw full travelling allowance under this section of the rules.

*Rule 125.*—This rule is taken from Article 1106, Civil Service Regulations, with an extension to all kinds of leave of a concession allowed by the article in the case of leave on medical certificate only. This rule will allow a Government servant travelling allowance for himself and family for the part of the journey already accomplished. Under rule 126 he will recover the cost of transporting his kit also to the new station.

*Rule 126* is reproduced from Article 1107, Civil Service Regulations.

*Rule 127* is Article 1110, Civil Service Regulations.

*Rule 128* combines the provisions, other than audit instructions, which are contained in Articles 1114 and 1115, Civil Service Regulations.

*Rule 129* is Article 1112, with the important difference that it omits the reference to the establishment accompanying an officer to a hill station. It has been decided to treat such establishments in future, for the purposes of rule 128, as required to travel to the hill station on duty.

*Rule 130* combines, with some changes of wording to meet changed conditions, the relevant part of Articles 1116, 1117 and 1118, Civil Service Regulations.

*Rule 131* is reproduced from Article 1119, Civil Service Regulations.



*Rule 132* covers the note under Article 1116, with an extension to cover the case of any non-compulsory examination.

*Rule 133* contains a condition which underlies the existing rules, though it is not specifically mentioned in them.

*Rules 134 and 135* are taken from Article 1121, Civil Service Regulations.

*Rule 136* is reproduced from rule 8 of Part I of Appendix 30 to the Civil Service Regulations.

*Rule 137* reproduces the substance of Article 1122, Civil Service Regulations.

*Rule 138* reproduces the substance of Article 1123, Civil Service Regulations.

*Rule 139* reproduces the substance of Article 1124, Civil Service Regulations.

*Rule 140* is reproduced from Article 1128, Civil Service Regulations.

*Rule 141* covers a concession sanctioned in October 1920, which has not as yet been incorporated in the Civil Service Regulations.

*Rule 142.*—*Clause (a)* is reproduced from Article 1127, Civil Service Regulations, with the omission of the reference to free passages, for which provision has been made in the fundamental rules themselves. *Clause (b)* has been inserted to bar a double claim to travelling allowance under two different rules for the same journey.

*Rule 143* is taken from rule 2 under Article 1127, Civil Service Regulations. As a result of a recent revision, rule 2 has been inadvertently so worded as to extend the privilege in question to Government servants other than the non-gazetted servants to whom the old Article 1098 (now cancelled) applied; but this was not the intention, and the new rule has therefore been so drafted as to restore the old restriction.

*Rule 144* is taken from Appendix 6A of the Civil Service Regulations.

*Rule 145* is taken from paragraph 3 of the same appendix.

*Rules 146 and 147* reproduce the substance of Article 1121, Civil Service Regulations, with the usual substitution of "competent authority" for "Government of India" and "provincial Government."

*Rule 148* is taken from rule 8 of Part I of Appendix 30 to the Civil Service Regulations.

*Rule 149* contains the relevant portion of Article 1128, Civil Service Regulations.

*Rule 150* is reproduced from Article 1129, Civil Service Regulations.

*Rule 151* contains the substance of Article 1131A, Civil Service Regulations, with an alteration to suit changed nomenclature.

*Rule 152* contains the substance of Article 1132, Civil Service Regulations, with an extension to cover the case of a temporary *employé* who desires, on the termination of his employment, to travel to a place other than that at which he was recruited.

*Rule 153* states a principle which underlies the rules in the Civil Service Regulations, though it is not specifically enunciated in them.

*Rule 154* contains the substance of Article 1133, Civil Service Regulations, with the omission of the special treatment accorded, by note 1 under the article, to Government servants on pay not exceeding Rs. 10. Hereafter, such Government servants will be subject to the ordinary rules.

*Rule 155* contains the substance of Article 1134, Civil Service Regulations.

*Rule 156* repeats the substance of Article 1136, Civil Service Regulations.

*Rule 157* is taken from the note under Article 1136, Civil Service Regulations.

*Rule 158* contains the substance of Article 1137, Civil Service Regulations, with the substitution of "controlling officer" for the vague term "superior

authority", and the omission of the administrative instructions in the latter part of the article.

*Rule 159* is Article 1137B, Civil Service Regulations.

*Rule 160* contains the substance of Article 1138, Civil Service Regulations.

*Rule 161* is taken from the note under Article 1136, Civil Service Regulations.

*Rule 162* asserts a principle which underlies the rules in the Civil Service Regulations, though it is not specifically enunciated in them.

*Rule 163* contains the substance of Article 1137A., Civil Service Regulations, with the addition of specific provision for the case of an attendant who is not a Government servant.

*Rule 164* contains the substance of Article 1138A, Civil Service Regulations, with a proviso laying down a condition which really underlies the rules in the article.

*Rule 165* is Article 1138B (2), Civil Service Regulations, re-worded.

*Rule 166* enumerates the cases in which the Secretary of State has sanctioned the construction of special railway accommodation for such high officials of Government as are subject to these rules.

*Rule 167* states a general sanction given by the Governor General in Council under the principle stated in rule 163.

*Rule 168*.—With the revision of the main audit resolution, the Governor General in Council has now full power to grant to any Government servant the right to reserve by requisition any available class of railway accommodation. This rule states this fact in connection with inspection carriages, and enumerates the cases in which the right to reserve such a carriage has been conceded.

*Rule 169*.—This rule similarly enumerates the cases in which the right to reserve a first class carriage of two compartments has been conceded.

*Rule 170*.—This rule brings up to date Part III of Appendix 30 to the Civil Service Regulations. Several officers have been added; nomenclature has been corrected in several cases; and the general restriction based on the time or duration of the journey, which is at present applicable to the Educational and Sanitary Commissioners only, has been extended to all the officers concerned. It may be mentioned here, though not strictly relevant to the question of journeys by railway, that the concession of a reserved cabin to Secretaries to the Government of India travelling by steamer, which now figures in paragraph 1 (b) (ii) of Part III of the Appendix, has been intentionally omitted.

*Rule 171* extends to all officers enumerated in rules 168 and 169 a condition which at present applies to the Director, Intelligence Bureau, only.

*Rule 172* leaves to be prescribed by the Railway Board the procedure to be followed in requisitioning accommodation, which is now laid down in Part I of Appendix 30 to the Civil Service Regulations.

*Rule 173* is taken from rule 2 of Part I of Appendix 30, Civil Service Regulations.

*Rule 174* leaves to be prescribed by the Railway Board the contents of Part IV of Appendix 30.

*Rule 175* is a new rule, which requires no explanation.

*Rule 176* reproduces the substance of Article 1013, Civil Service Regulations, and the notes under it.

*Rule 177* is taken out of Article 1044, Civil Service Regulations.

*Rule 178* is reproduced from Article 1014, Civil Service Regulations.

*Rule 179* repeats a ruling of the Government of India, which has not yet been incorporated in the Civil Service Regulations.

*Rule 180* reproduces the substance of Article 1029, Civil Service Regulations.

*Rule 181* reproduces the substance of Article 1017A, Civil Service Regulations, with the addition of a ruling of the Government of India which has not been incorporated in the Regulations.

*Rule 182* reproduces the substance of Article 999 (1) of the Civil Service Regulations.

*Rule 183* is clause (2) of Article 999, Civil Service Regulations, with the usual substitution of "competent authority" for "Local Government" and "head of an imperial department."

*Rule 184* covers the exceptions now set forth in clauses (b), (d) and (e) of Article 999A, Civil Service Regulations. Those exceptions will be treated as made by declaration of the Governor General in Council under this rule.

*Rule 185* contains the substance of clause (a) of Article 999A, Civil Service Regulations.

*Rule 186* is taken from the note under Article 999 (1), Civil Service Regulations. The reference to a motor-car supplied by a local fund has been intentionally omitted.

*Rule 187* is a new rule which requires no explanation.

*Rule 188* contains the substance of Article 1138B (1), Civil Service Regulations, with an increase of daily allowance from Rs. 2 to Rs. 4½.

*Rule 189* contains the substance of Article 1003, Civil Service Regulations, re-worded in places, with an increase of daily allowance from Rs. 3 to Rs. 4½.

*Rule 190* is reproduced from Article 1004, Civil Service Regulations.

*Rule 191* is taken from the second part of Article 1159, Civil Service Regulations, with an amplification to cover an existing practice.

*Rule 192* is taken from the first part of Article 1159, Civil Service Regulations, with an extension of the principle involved to cover travelling allowances on all classes of journey and not on tour only.

*Rule 193* reproduces Article 1160, Civil Service Regulations.

*Rule 194* is taken from Article 1162, Civil Service Regulations. The exceptions in the article will be covered by rules of delegation.

*Rule 195* is Article 1161 of the Civil Service Regulations, somewhat amplified.

*Rule 196.*—This replaces Article 815, Civil Service Regulations. Audit best knows what particulars are required, and has therefore been left to prescribe them.

*Rule 197* reproduces the greater part of Article 816, Civil Service Regulations, though a small portion of the article has been taken into rule 199. The form of service book has been left to be settled by audit, as the record is required almost entirely for pension purposes.

Of the exceptions under Article 816, numbers (2), (3A), (5) and (6) have been omitted from the rule, as they refer to establishments under provincial control.

*Rule 198* contains the greater part of Article 818, Civil Service Regulations, with the omission of its last sentence, which has been taken into rule 199.

*Rule 199* contains the substance of part of Article 816 and part of Article 818, Civil Service Regulations.

*Rule 200* repeats the substance of Article 821, Civil Service Regulations.

*Rule 201* repeats the substance of Article 820, Civil Service Regulations, with a delegation to heads of departments of the power conferred by the article upon Local Governments.

*Rule 202* contains the necessary part of Article 819, Civil Service Regulations.

*Rule 203* is re-drafted from Article 822, Civil Service Regulations. Rule 2 under the article is not reproduced, in view of the fact that rule 2 (3) leaves it to the Auditor General to prescribe the "audit officers" who will make

the necessary entries. The distinction between foreign service of the first and second kind is also dropped, since the fundamental rules contemplate one kind only of foreign service.

*Rule 204* is Article 823, Civil Service Regulations, re-arranged.

*Rule 205* contains the substance of Article 817, Civil Service Regulations. The last sentence of that article, as also the whole of Article 824, has been omitted, and will eventually be taken to its proper place in the pension rules.

*Rule 206* reproduces clause (b) of Article 841, of the Civil Service Regulations, with an addition to cover the case of special disability leave, the grant of which is reserved to the Governor General in Council, as a Local Government, under fundamental rules 6 (b) and 83.

*Rule 207* is taken from Article 841 (a) and (d), Civil Service Regulations.

*Rule 208* covers the power of delegation given by Article 841 (c), Civil Service Regulations.

*Rule 209* is a re-arrangement of the latter part of the first paragraph of Article 220, Civil Service Regulations. The re-draft includes the result of a number of decisions and rulings of the Government of India on points which are left doubtful by the wording of the old rule.

*Rule 210* contains the substance of the exception in proviso (ii) to the first paragraph of Article 220, with "competent authority" substituted as usual, for "Local Government."

*Rule 211* contains the substance of the second and third paragraphs of Article 220; the general exception at the beginning of the rule taking the place of the third paragraph.

*Rule 212* prescribes a simple form of medical certificate of fitness to return to duty.

*Rule 213* is based on the general principles underlying Articles 831 and 833, Civil Service Regulations.

*Rule 214.*—This is a new rule. The form of leave account has been prescribed in the Auditor General's leave procedure rules.

*Rule 215.*—A new rule, laying down the responsibility for maintaining leave accounts.

*Rule 216* is slightly altered from the wording of Article 825, Civil Service Regulations. Appendix 4 to these rules defines the term "competent authority" for the purpose of fundamental rule 66 and thus specifies the authorities who may grant leave. These are clearly the authorities to whom applications for leave should be made.

*Rule 217* contains the general rule underlying Article 849, Civil Service Regulations.

*Rule 218* contains the substance of clause (a) of Article 861, Civil Service Regulations.

*Rule 219* is taken from Article 781, Civil Service Regulations.

*Rule 220* repeats the substance of Article 827A, Civil Service Regulations.

*Rule 221* repeats the substance of Article 827B, Civil Service Regulations.

*Rule 222* is taken from Article 828, Civil Service Regulations. The provision that the certificate must accompany the application, which appears in that article, has been omitted. It is not really required for this purpose. The original certificate is merely a preliminary to examination by a medical board, and it is the certificate of the board which actually qualifies the applicant for leave. An addition has been made to the rule to indicate that the statement of the case, to which the new rule refers, must be prepared by the officer granting the original certificate; and that the Local Government, whose medical board will sit on the case, will prescribe the form of the statement.

*Rule 223* is the first part of Article 829, Civil Service Regulations, with some changes in wording. The only material change is the substitution for

"the seat of the Government under which he is serving" of "the headquarters of the province in which the Government servant is serving." From the old wording it would literally follow that an *employé* of the Post Office Department serving in the Bombay Presidency would appear before a medical board in Delhi or Simla and not in Bombay; and this is not intended.

*Rule 224* contains the second portion of Article 829, Civil Service Regulations.

*Rule 225* is taken from Article 830, Civil Service Regulations, with the addition of the form of certificate from Article 325.

*Rule 226* is Article 831, Civil Service Regulations, with unimportant changes of wording.

*Rule 227* contains the substance of Article 832, Civil Service Regulations.

*Rule 228* contains the substance of Article 833, Civil Service Regulations, with an addition at the end on the lines of Article 832.

*Rule 229* is the latter part of Article 834, Civil Service Regulations.

*Rule 230* is the former part of Article 834, Civil Service Regulations.

*Rule 231* is a new rule, laying down what is the actual practice at present, though it is not now prescribed in any rule of the Civil Service Regulations.

*Rule 232* is taken from Article 303, Civil Service Regulations, as revised in connection with the simplification of the leave rules.

*Rule 233* contains the substance of the note under Article 827A, Civil Service Regulations. The only point in the re draft calling for special notice is the classification of the leave which may be granted under clause (c) of the rule as leave not exceeding six months "as debited against the leave account." Under the old rules, a Government servant could be given privilege leave *plus* commuted furlough, if these were due to him, up to a total of six months, and this was equivalent to "leave for six months as debited against the leave account." If, however, he had nothing but ordinary furlough due to him, he could get six months only of such furlough. The revised wording involves, therefore, in certain cases an enhanced concession.

*Rule 234* reproduces Article 218, Civil Service Regulations.

*Rule 235* contains the relevant part of Article 216, Civil Service Regulations.

*Rule 236* contains the substance of Article 217, Civil Service Regulations.

*Rule 237* contains the substance of Articles 837 and 857 (a), Civil Service Regulations, with "High Commissioner" substituted for "Under Secretary of State."

*Rule 238* is taken from Articles 836 and 892, Civil Service Regulations.

*Rule 239* is taken from Article 232, Civil Service Regulations. A report of date of sailing will, however, be necessary in very few cases in future, as it will no longer be the rule that leave begins from the date of embarkation. The necessary form has been prescribed by the Auditor General in his leave procedure rules.

*Rule 240* contains the substance of Articles 228 and 852, Civil Service Regulations. The latter part of the former article is obsolete.

*Rule 241* contains the substance of Article 226, Civil Service Regulations.

*Rule 242* is taken from Article 222, Civil Service Regulations, with the substitution of the High Commissioner for the Secretary of State.

*Rule 243.*—This is taken from Articles 867 and 874, Civil Service Regulations, and covers the first part of Article 836 also. The High Commissioner has been substituted for the Secretary of State, as he will in future pay leave-salary on behalf of the Government of India.

*Rule 244* replaces the first part of Article 869, Civil Service Regulations. The old arrangements of quarterly calculations and rounded instalments will not be maintained in future.

*Rule 245* replaces the second part of Article 369, Civil Service Regulations. At the suggestion of the High Commissioner, the procedure has been modified in some respects.

*Rule 246* contains the substance of the first part of Article 389, Civil Service Regulations.

*Rule 247* is the second part of Article 389, Civil Service Regulations, amplified in accordance with existing practice.

*Rule 248* contains the substance of the last part of Article 389, Civil Service Regulations.

*Rule 249* contains the relevant part of Article 391, Civil Service Regulations, with the High Commissioner substituted for the Under Secretary of State.

*Rule 250* provides for certain cases for which the old rules make no specific provision. It is considered unnecessary in this connection to provide for Article 371 (b), Civil Service Regulations, as the procedure thereby prescribed follows necessarily from rules 243 and 246.

*Rule 251* contains a regulation previously embodied in Articles 299 (a) and 300, Civil Service Regulations.

*Rule 252* contains the substance of the first paragraph of Article 299 (a), Civil Service Regulations, and of Article 299 (b), with the substitution of the High Commissioner for the Secretary of State. The rule makes no mention of commutation of leave, which ceased to exist, under that name, when the fundamental rules came into force. It is considered unnecessary to repeat in these rules the provision that the Government servant on leave must pay the cost of telegrams. The High Commissioner will see to this, and the fact will be mentioned in the memorandum of instructions to officers proceeding on leave. The note under Article 299 (b) has been omitted for similar reasons.

*Rule 253* contains the substance of the second paragraph of Article 299 (a), Civil Service Regulations, read with Article 333 (a).

*Rule 254* contains the substance of the first part of the third paragraph of Article 299 (a), Civil Service Regulations. The second part of that paragraph is omitted as it is considered to be unsuitable under the new leave rules.

*Rule 255* is taken from the first part of Article 300, Civil Service Regulations.

*Rule 256* is Article 333 (b), Civil Service Regulations, re-worded in places.

*Rule 257* is taken from Articles 372 and 373, Civil Service Regulations.

*Rule 258*.—The fact stated in this rule is nowhere in the Civil Service Regulations laid down as a general rule, but it follows as a matter of course from the provision in fundamental rule 71 for the production of a medical certificate.

*Rule 259* contains the substance of the relevant portion of Article 224, Civil Service Regulations, with the substitution of the High Commissioner for the India Office.

*Rule 260* also follows as a matter of course from fundamental rule 71. Appendix 4 delegates the power of extending leave to the authority which granted it.

*Rule 261* is taken from Articles 372 and 373, Civil Service Regulations.

*Rule 262*.—"Leave-salary certificate" is the new title adopted by the Auditor General in his leave procedure rules. The requirement of such a certificate is taken from Article 336, Civil Service Regulations; that of a certificate of leave is obviously necessary before a last-pay certificate can be granted; and the delivery of a warrant is taken from Article 390, Civil Service Regulations.

*Rule 263*.—The definition in this article is taken from Article 271, Civil Service Regulations.

*Rule 264* is the nearest approach to a comprehensive list of vacation departments which seems to be possible. The form of clause (a) of fundamental rule 82 makes some such list necessary.

*Rule 265* provides for a decision in a case of doubt.

*Rule 266* contains the general principles underlying Articles 272 and 273, Civil Service Regulations, rather simplified in language. As there will, in future, be no specific application for privilege leave, the provision for certificates has been omitted. In practice, however, Government servants who do not take a vacation will have to prove the fact by some sort of certificate.

*Rules 267 and 268* are a liberalisation of the rule in Article 288A, Civil Service Regulations, to meet the requirements of the International Labour Conference.

*Rule 269* brings together in one rule the various classes of Government servants who are at present granted hospital leave under various articles of the Civil Service Regulations.

*Clauses (a) and (b)* are taken from Article 288, with the pay limit altered to a limit of rank.

*Clause (c)* is taken from the same article, as revised in 1920. In this case, no suitable rank limit can be devised.

*Clause (d)* comes from Articles 287 and 288.

*Clauses (e) and (f)* are taken from Article 287.

*Clause (g)* is taken from Article 665.

*Clause (h)* is taken from Article 291, with an addition to bring out a fact which is only implied in the present rules.

*Clauses (i) and (j)* are new additions to the list.

*Clause (k)* comes from Article 287.

*Clause (l)* is taken from Article 291.

In the following rules, uniform concessions are prescribed for all these clauses of Government servant, with a single exception to cover the case of railway subordinates injured while on duty. The concessions are based upon those previously admissible to the majority of the Government servants concerned. In certain cases, this involves, a reduction of existing privileges; but this is considered to be not inequitable, in view of the fact that any Government servant can in future take the leave which takes the place of "commuted furlough," if his application is supported by a medical certificate.

*Rule 270* lays down a general rule as to the amount of leave-salary on hospital leave.

*Rule 271* fixes a general maximum limit of hospital leave. See the note on rule 269.

*Rule 272* is the one exception to the general rule that hospital leave will in future be granted on uniform terms to all classes of Government servant. It reproduces the provisions of item 242 in the schedule of powers of the Railway Department.

*Rule 273.*—The previous rules contained no specific provisions for combination of hospital leave with other leave. Such combination is necessary, in view of the arguments quoted in the note on rule 269, on which the standardisation of the hospital leave rules is based.

*Rule 274* contains the substance of Article 289, Civil Service Regulations. The reference to officers of the Marine Department has not been reproduced in the rule, since their pay is not debitable to civil estimates and the fundamental rules are therefore not applicable to them.

*Rule 275* reproduces the substance of Article 290, Civil Service Regulations, with the substitution of "full pay" for the now meaningless phrase "pay at harbour rates."

*Rule 276* contains the substance of clauses (i) and (ii) and rule 2 of Article 295, Civil Service Regulations. The clauses have been re-worded in rather more general terms.

*Rule 277* read with rules 280 and 281, introduces a new principle with reference to departmental leave. It will in future be debited to the leave account as though it were leave on half average pay, though it will be given, if necessary, when no leave is due. Certain hard cases, which might result from the application of this new principle, will be obviated by rule 283.

*Rule 278.*—*Clause (a)* of this rule reproduces a principle underlying Article 295, Civil Service Regulations. *Clause (b)* is taken from clause (ii) of that article. *Clause (c)* is taken from rule 1 under the article.

*Rule 279* contains two principles extracted from clause (ii) of Article 295 and the proviso under that article. The latter part of the rule confirms an existing practice.

*Rule 280* states the new principle of classification of departmental leave to which reference is made in the note on rule 277.

*Rule 281* is drafted in recognition of the fact that a Government servant, to whom departmental leave is regularly granted will exhaust during his service for more leave than he is ever likely to earn.

*Rule 282* reverses a prohibition which is at present laid down in the Survey Hand Book. As already stated in the note on rule 281, a Government servant who has regularly taken departmental leave will rarely have any leave at his credit; but, in case he has a balance of leave due, it will frequently be convenient to allow him to take it in combination with departmental leave.

*Rule 283* is designed to meet a hard case in which a subordinate, who has taken departmental leave regularly and has therefore a big debit balance in his leave account, is transferred to a post in which he is not likely to be given departmental leave in future. Such a Government servant must clearly be permitted to begin to earn leave without working off his debit balance.

*Rule 284* is taken from paragraph 113 of the Public Works Department Code, with the addition of provision for temporary engineers of the Railway Department.

*Rule 285—*

*Clause (a)* is taken from Article 242 (a), Civil Service Regulations.

*Clauses (b) and (c)* are reproduced from Article 320 (b), Civil Service Regulations.

*Rule 286* repeats the substance of Article 242 (b), Civil Service Regulations.

*Rules 287 and 288* contain the relevant portions of Article 655, Civil Service Regulations. There are no changes in substance, except that combination of leave is now permitted.

*Rule 289* is reproduced from Article 656, Civil Service Regulations.

*Rule 290* is reproduced from Article 666, Civil Service Regulations.

*Rule 291* applies to all probationers the rule set forth in Article 202 (a), Civil Service Regulations.

*Rule 292* is a new rule, intended to apply to all classes of apprentices, except those who can claim leave under Division XVIII of these rules.

*Rule 293* is taken from Article 180 (old Article 176), Civil Service Regulations. The only change made is the substitution of "holiday" for "Sunday." The Civil Service Regulations lay down no procedure in cases where a holiday, other than a Sunday, immediately supervenes upon a change of office in the same station. Under the rule, it will be clear that the Government servants concerned must make arrangements to transfer charge within a limit of twenty-four hours.

*Rule 294* contains the substance of Article 176 (old Article 177), Civil Service Regulations. There are changes in wording, but no changes in substance.

*Rule 295* expresses the real intention of a sentence in Article 175, Civil Service Regulations, as recently interpreted by the Government of India.



*Rule 296* is taken from Article 177 (old Article 178), Civil Service Regulations.

*Rule 297* contains the substance of Article 181 (old Article 179), Civil Service Regulations.

*Rule 298* is taken from Article 184, Civil Service Regulations.

*Rule 299* expresses the intention of Article 183, Civil Service Regulations, as recently interpreted.

*Rule 300* covers the latter part of Article 182, Civil Service Regulations.

*Rules 301 and 302* contain the substance of Article 180, Civil Service Regulations. As will be seen from Appendix No. 13, the term "competent authority" is differently interpreted for the purpose of each of these two rules.

*Rule 303* is re-written from portions of paragraphs 1, 2 and 3 of Appendix 6A to the Civil Service Regulations. Alternative routes by the Russian Railway have been omitted as that route is no longer available. Nushki, as an alternative to Quetta, has been omitted as unnecessary. The restriction of the concessions to those Government servants of the Khorasan Agency who are subordinates and natives of India has been omitted. The additional leave allowed by the appendix is treated, according to fundamental rule 105 (d), as joining time.

*Rule 304* is taken from the same three paragraphs of Appendix 6A. The periods in the table have been brought up to date and one or two new journeys added to the list.

*Rule 305* contains the substance of note 3 under paragraph 1 of Appendix 6A to the Civil Service Regulations.

*Rule 306* is taken from paragraph 3 of Appendix 6A.

*Rule 307* is taken from Article 776, Civil Service Regulations.

*Rule 308* calls for no explanation.

*Rule 309* sets forth a general declaration made by the Finance Department in order to obviate a reference to that department of every case in which the authorities named in Appendices Nos. 4 and 13 exercise the powers conferred upon them by those appendices.

*Rule 310* explains certain of the principles on which Appendices Nos. 4 and 13 have been drafted. Clause (e) of the rule is intended to protect such powers as those which, for example, the Auditor General exercises under the rules made under section 96D of the Government of India Act.

## APPENDIX No. 13.

[Supplementary Rule 2 (6).]

**Authorities which exercise the powers of a competent authority under the various supplementary rules made by the Governor General in Council.**

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
1	4	Power to accept, in the case of a female candidate for Government service, a medical certificate of fitness, signed by any female medical practitioner.	All heads of departments.	Full power.
4-A	6-A	Power to grant grain compensation allowance to a Government servant.	Chief Commissioner	Full power.
2	7	Power to accept as sufficient the reasons alleged by an officiating Government servant for refusing to occupy the residence placed at his disposal by the permanent holder of the post.	All heads of departments.	Full power.
3	9	Power to grant an honorarium from general revenues.	1. Railway Board 2. All heads of departments. 3. Public Service Commission.	Full power, up to a maximum of Rs. 5,000 in each case. Full power, up to a maximum of Rs. 500 in each case. Full power.

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
4	9	Power to sanction the acceptance of an honorarium from an outside source. (a)	1. Chief Commissioners 2. First class Political Residents. 3. Departments of the Government of India. 4. Railway Board 5. Director-General, Posts and Telegraphs. 6. Surveyor-General 7. Commissioner, Northern India Salt Revenue. 8. Auditor-General 9. Controller of the Currency. 10. All heads of departments. 10-A. Controller of Civil Accounts. 11. Principal, Indian School of Min <sup>s</sup> , Dhanbad.	Full power.          Full power in the case of Government servants not directly appointed by the Government of India.   Full power, up to a maximum of Rs. 500, in each case. Power up to a maximum of Rs. 500 in each case, in respect of Assistant Accounts Officers, Accountants and Clerks. Full power up to a maximum of Rs. 500 in each case.
5	12	Power to sanction the undertaking of work for which an honorarium or fee is sanctioned.	1. All heads of departments. 2. District and Sessions Judge, Civil and Military Station, Bangalore. 3. Principal, Indian School of Mines, Dhanbad.	Full power.

(a) Appendix No. 13 merely names the authorities who exercise the powers of a competent authority under the various Supplementary Rules. Various authorities named against Serial No. 4 in Appendix No. 13 exercise full powers under Supplementary Rule 9. The fact that the word "fee" is not included in column 3 of Appendix No. 13 in the abbreviated "nature of power" does not take away from the competent authority the powers of sanction vested in him under Supplementary Rule 1 [Auditor-General's letter No. 1149-A,—144-23, dated 14th November 1923.]



Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
10	24	Power to decide the amount of permanent travelling allowance to be drawn by a Government servant holding more than one post to which permanent travelling allowance is attached.	Railway Board . .	Full power.
11	25	Power to grant a conveyance or horse allowance.	1. Railway Board .  2. Heads of departments controlling railway, public works, post office and telegraph services.	Power to sanction a conveyance allowance to a Government servant whose ordinary duties involve a considerable amount of travelling within five miles of headquarters, subject to the following <i>mazima</i> :—  For a motor car, if kept, Rs. 75 to 150 according to the circumstances of each case, e.g., the status of the officer, the extent and nature of the travelling done and the character of the locality in which the journeys are made.  Rs. For any other conveyance . . . 50  Allowances may be granted to subordinates of the following classes only, up to the maximum amount shown against each class in the table below, if such subordinates have to perform a large amount of travelling at or near headquarters on condition that the allowance is forfeited whenever

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
				<p>daily or road mileage allowance is drawn:—</p> <p><i>Public Works and Railway Departments.</i></p> <p style="text-align: right;">Rs.</p> <p>Upper subordinates . . . 30</p> <p>Sanitary Inspectors holding large charges on the North-Western Railway . . . 30</p> <p>Lower subordinates . . . 15</p> <p>Assistant Surgeons or Civil Apothecaries . . . 15</p> <p>Sub-Assistant Surgeons . . . 7½</p> <p>Sub-Assistant Surgeons (in exceptional cases) . . . 15</p> <p>Apprentice Overseers . . . 15</p> <p>Cashiers . . . 15</p> <p><i>Post Office Department.</i></p> <p>City Inspectors . . . 30</p> <p>Mail Overseers (including Cash Overseers) provided the pay and allowance do not exceed Rs. 100 a month . . . 20</p> <p><i>Telegraph Department.</i></p> <p>Upper subordinates and Engineering Supervisors other than those sent on casual inspection duty . . . 30</p> <p>Indian inspecting telegraphists who are sent on regular inspection duties connected with private lines . . . 30</p>

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
				<p>Rs.</p> <p>Telephone Inspectors deputed on regular inspection duties . . . 30</p> <p>Sub-Inspectors in Baluchistan . . . 35</p> <p>Sub-Inspectors in the Punjab, North-West Frontier Province and Sind . . . 30</p> <p>Shipping streacs employed at Calcutta or other ports for such days as they travel.</p> <p>Cable Supervisors, Rs. 30, subject to the condition that the amount of the allowance is restricted to the extent justified by the circumstances of each case.</p> <p>3. Superintending Engineer in Central India.</p> <p>Allowances may be granted to subordinates of the following classes only, up to the maximum amount shown against each class in the table below if such subordinates have to perform a large amount of travelling at or near headquarters on condition that the allowance is forfeited whenever</p>

Not exceeding 6 annas a day.

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5

## No. 17.

Page 447, Appendix 13—

Insert the following in columns 4 and 5 against Serial No. 11 in this Appendix:—

“	5. Chief Engineer, Central Public Works Department.	<p>Allowances may be granted to such subordinate as are employed on works other than provincial works in the Delhi Province and belonging to the following classes only up to the maximum amounts shown against each class, if the subordinates have to perform a large amount of travelling at or near headquarters, on condition that the allowance is forfeited whenever daily or road mileage allowance is drawn:—</p>													
		<table> <tr> <th></th><th>Horse allowance.</th><th>Bicycle allowance.</th></tr> <tr> <td>1. Electrical and mechanical Subordinates.</td><td rowspan="8">If located in Delhi Rs. 35 or the rate that may be fixed for Delhi establishment by the Government of India from time to time and Rs. 30 in other localities.</td><td rowspan="8">Rs. 10.</td></tr> <tr> <td>2. Members of the subordinate Engineering service.</td></tr> <tr> <td>3. Arboriculture and Horticulture subordinates and Rangers.</td></tr> <tr> <td>4. Sanitary Inspectors.</td></tr> <tr> <td>5. Storekeepers .</td></tr> <tr> <td>6. Clerks and Draftsmen doing executive work in addition.</td></tr> <tr> <td>7. Sanitary Daroghas.</td></tr> <tr> <td>8. Sub-Assistant Surgeons.</td></tr> </table>		Horse allowance.	Bicycle allowance.	1. Electrical and mechanical Subordinates.	If located in Delhi Rs. 35 or the rate that may be fixed for Delhi establishment by the Government of India from time to time and Rs. 30 in other localities.	Rs. 10.	2. Members of the subordinate Engineering service.	3. Arboriculture and Horticulture subordinates and Rangers.	4. Sanitary Inspectors.	5. Storekeepers .	6. Clerks and Draftsmen doing executive work in addition.	7. Sanitary Daroghas.	8. Sub-Assistant Surgeons.
	Horse allowance.	Bicycle allowance.													
1. Electrical and mechanical Subordinates.	If located in Delhi Rs. 35 or the rate that may be fixed for Delhi establishment by the Government of India from time to time and Rs. 30 in other localities.	Rs. 10.													
2. Members of the subordinate Engineering service.															
3. Arboriculture and Horticulture subordinates and Rangers.															
4. Sanitary Inspectors.															
5. Storekeepers .															
6. Clerks and Draftsmen doing executive work in addition.															
7. Sanitary Daroghas.															
8. Sub-Assistant Surgeons.															

[G. I., F. D., Correction No. 165 (S. R.), dated 13th October 1930.]

(No. 17, dated the 25th April 1931.)



Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
14	32	Power to decide the point in a station at which journeys begin or end.	1. Chief Commissioners 2. First class Political Residents. 3. Departments of the Government of India. 4. Railway Board	Full power.
15	35	Power to declare a particular Government servant to be entitled to railway accommodation of a higher class than that prescribed for his grade.	All heads of departments.	
16	40	Power to declare that a Government servant whose pay does not exceed Rs. 30 is entitled for journeys by steamer, to lowest class accommodation only.	All heads of offices	Full power.
17	42	Power to decide, in cases of doubt or hardship, the class of steamer accommodation to which a Government servant is entitled.	All heads of departments.	Full power.
18	52	Power to allow daily allowance at a higher rate than that of the Government servant's grade.	1. Railway Board 2. Controller of the Currency. 3. Deputy Controllers of the Currency. 4. Accountants General, other than the Accountant General, Railways, and the Accountant General, Posts and Telegraphs. 5. The Comptroller, Assam.	Full power up to maximum of Rs. 10.  Power in the case of clerks, potdars, shroffs and peons accompanying remittances of treasure, subject to a maximum allowance of Rs. 1½ in the case of clerks, Rs. 1¼ in the case of potdars and shroffs and annas 4 in the case of peons.

number.	number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
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## No. 120.

Page 449, Appendix 13—

Substitute the following for the existing entries in columns 4 and 5 against the Serial No. 19 of this Appendix:—

		1. All heads of Departments.	Full power.
		2. Postmasters General and the Director of Posts and Telegraphs, Sind and Baluchistan Circle.	Power in respect of Government servants not above the rank of officers holding divisional charges i.e., Superintendents of Post Offices and Railway Mail Service and Divisional Engineers, Telegraphs.
		3. Meteorologist in charge of the Upper Air Observatory, Agra.	Power in respect of the staff employed at the pilot balloon observatories under his control.

[G. I., F. D., Correction No. 181 (S. R.), dated 10th July 1931.]

(No. 120, dated the 25th July 1931.)

20	60	Power to define the limits of a Government servant's sphere of duty.	1. All heads of departments.	Full power.
21	62	Power to decide whether a particular absence is absence on duty.	2. Heads of Circles in the Indian Posts and Telegraph Department.	Full power for journeys within their jurisdiction.
22	63	Power to restrict the frequency and duration of journeys.		
23	64	Power to declare that	Chief Commissioner	

## No. 18.

Page 449, Appendix 13—

Insert the following in columns 4 and 5 against Serial No. 23 in this Appendix:—

“	5. Chief Engineer, Central Public Works Department.	Full power in respect of the establishment employed on works other than provincial works in the Delhi Province.”
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[G. I., F. D., Correction No. 165 (S. R.), dated 13th October 1930.]

(No. 18, dated the 25th April 1931.)



Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
26 (contd.)	73	Power to grant exemptions from the rule limiting a halt on tour	11. Auditor General 12. Controller of the	

## No. 93.

Page 451, Appendix 13—

Insert the following in columns 4 and 5 against serial No. 26 in this Appendix:—

16-E. Controller of Railway Accounts. Full powers in the case of Accountants, Inspectors of Station Accounts, Inspectors of Stores Accounts, Stock Verifiers, Sub-heads, Clerks and Inferior servants.

[G. I., F. D., Correction No. 177 (S. R.), dated the 9th May 1931.]

(No. 93, dated the 25th May 1931.)

			16-A. Central Board of Revenues.	
			16-B. Chairman, Public Service Commission.	Full power in respect of the Secretary and of any other gazetted officers who may be appointed to the Commission.
			16-C. Secretary, Public Service Commission.	Full power in respect of the non-gazetted staff of the Commission.
			16-D. Controller of Civil Accounts.	Full power in the case of Assistant Accounts Officers, Accountants and Clerks.
			17. All other heads of departments.	Power up to a limit of 30 days.
			18. Heads of Circles in the Indian Posts and Telegraphs Department.	Power up to a limit of 30 days.
27	75	Power to allow the exchange of daily for mileage allowance for the whole period of an absence from headquarters.	All heads of departments.	Full power in the case of Government servants whose pay does not exceed Rs. 200.

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
28	76	Power to impose restrictions on the exchange of daily for mileage allowance on particular days by Government servants in superior service.	All heads of departments.	Full power.
29	77	Power to impose restrictions on the exchange of daily for mileage allowance by non-gazetted ministerial or menial servants travelling in a public or hired conveyance.		
30	79	Power to allow the actual cost of maintaining a camp during a sudden journey away from it.		
31	80	Power to prescribe the scale of camp equipment, servants, horses, etc., to be carried at Government expense by a Government servant allowed to recover the actual cost of the first or last journey of an extensive tour.	All heads of departments.	Full power.
32	81(a)	Power to permit the recovery of the actual cost of conveying camp equipment, horses, camels, motor cars, etc.	1. All heads of departments. 2. Administrative Superintendents of the Survey of India Department.	Full power.
33	81(b)	Power to limit the number of conveyances, etc., and the weight of camp equipment carried as in rule 81 (a).	All heads of departments.	Full power.



Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
			8. Inspector General of Forests.	Power in the case of Government servants not appointed by the Government of India.
			9. Administrative Superintendents of the Survey of India Department.	Full power in the case of menial servants.
			10. Controller of Printing and Stationery	Power in the case of persons recruited in

## No. 19.

Page 454, Appendix 13—

Insert the following in columns 4 and 5 against Serial No. 36 in this Appendix:—

- “ 11. Chief Engineer, Central Public Works Department. Full power in respect of such non-gazetted establishments as are employed on works other than provincial works in the Delhi Province.”

[G. I., F. D., Correction No. 165 (S. R.), dated 13th October 1930.]

(No. 19, dated the 25th April 1931.)

		ment expense by a Government servant on transfer.		
39	116 (a) II (iii)	Power to fix a rate of mileage allowance for journeys by road on transfer.	Chief Commissioners and first class Political Residents.	Full power.
39-A	116 (a) I (iii) Note 2.	Power to allow actual expenses for the carriage of personal effects by road between stations connected by rail.	1. All heads of Departments. 2. Heads of Circles in the Indian Posts and Telegraphs Department.	Full power.
40	116 (c)	Power to prescribe the scale of tents to be carried at Government expense on transfer.	All heads of departments.	Full power.

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
41	Proviso (a) to rule 128.	Power to sanction halts at hill stations in excess of ten days.	1. Railway Board 2. All heads of departments.	Full power. Full power, up to a limit of 30 days.
42	Proviso (b) to rule 128.	Power to intimate that a Government servant who stays at a hill station in excess of ten days was required to stay on duty or permitted to stay during holidays.	All heads of departments.	Full power.
44	Proviso (2) (i) to rule 130.	Power to disallow travelling allowance for a journey to attend an obligatory examination if the authority exercising the power considers that the candidate has culpably neglected the duty of preparing for it.	1. All heads of departments. 2. Heads of Circles in the Indian Posts and Telegraphs Department.	Full power. Full powers.
45	132	Power to permit recovery of travelling allowance for a journey to attend an examination other than those mentioned in supplementary rules 130 and 131.	1. Chief Commissioners and first class Political Residents. 2. Departments of the Government of India. 3. Railway Board 4. All heads of departments.	Full power. Power in the case of departmental examinations.
46	135	Power to sanction travelling allowance for a journey made during leave.	} Railway Department	Full powers.
47	147	Power to sanction travelling allowance for a journey made after the termination of Government service.		



Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
48	160 (b)	Power to allow the actual cost of a journey to appear before a medical board preliminary to voluntary retirement on invalid pension.	All heads of departments.	Full power.
49	164	Power to decide the rates of travelling allowance admissible to a Government servant or a student not already in Government service deputed to undergo a course of training.	<p>1. Chief Commissioners</p> <p>2. First class Political Residents.</p> <p>3. Departments of the Government of India.</p> <p>4. Railway Board</p> <p>5. Director-General, Posts and Telegraphs.</p> <p>6. Auditor General</p>	<p>Full power, provided that daily allowance shall not be given for halts at the training headquarters—</p> <p>(a) to gazetted Government servants, if the period of their training exceeds one month, and</p> <p>(b) to non-gazetted Government servants whose pay or allowances have been increased to meet the expense of training.</p> <p>Full power only in the case of the Government servants provided that daily allowance shall not be given for halts at the training headquarters—</p> <p>(a) to gazetted Government servants, if the period of their training exceeds one month, and</p> <p>(b) to non-gazetted Government servants whose pay or allowances have been increased to meet the expense of training.</p> <p>Power in the cases of probationers of the general list of the Indian Audit Department, and of non-gazetted establishments.</p>

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
			7. All heads of departments.	Full power in the case of Government servants provided that they may not grant daily allowance for halts at the training headquarters.
50	183	Power to fix amount of hire or charges when a Government servant is provided with means of locomotion at the expense of the State, etc., but pays all the cost of its use or propulsion.	All heads of departments.	Full power.
51	188	Power to grant travelling allowance to military officers attending darbars or levées.	1. Chief Commissioners 2. First class Political Residents.	} Full power.
52	190 (a) & (b)	Power to grant travelling allowance to persons not in Government service attending commissions of enquiry, etc., or performing public duties in an honorary capacity, and to declare the grade to which such persons shall be considered to belong.	All heads of departments.	Full power.
53	190 (c)	Power to delegate the power conferred upon them by serial No. 52 to the person presiding over the commission, etc.	1. Chief Commissioners 2. First class Political Residents. 3. Departments of the Government of India. 4. Railway Board	} Full power.
54	191	Power to declare who shall be controlling officer.	1. Departments of the Government of India. 2. All heads of departments.	Full power.  Full power; provided that they may not declare a Government servant to be his own controlling officer.

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
55	195 (e)	Power to make rules for the guidance of controlling officers.	All heads of departments.	Full power.
56	208	Power to grant leave to a gazetted Government servant who is not in foreign service.	1. Chief Commissioners and first class Political Residents. 2. Departments of the Government of India. 3. Railway Board	Full power, provided that leave may not be granted to a chaplain without the concurrence of the Bishop of the Diocese, in the case of a chaplain of the Church of England, or the Presidency Senior Chaplain, in the case of a chaplain of the Church of Scotland; and provided also that the Political Residents of the 1st class except the Chief Commissioner, North-West Frontier Province, do not grant any kind of leave for a period exceeding 4 months to officers of the Political Department and of the Medical Department

No. 94.

Page 458, Appendix 13—

Substitute the following for the words "Resident in Waziristan, the Judicial and Revenue Commissioners, and the Political Agents in Malakand and Khyber" in column 5 *against* item 56 in this Appendix:—

"Resident in Waziristan and the Judicial and Revenue Commissioners."

(This amendment takes effect from the 19th March 1931.)

[G. I., F. D., Correction No. 178 (S. R.), dated the 9th May 1931.]

(No. 94, dated the 25th May 1931.)

delegate the power.

delegate to it (See Appendix 25).

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
57	208	Power to grant leave to a Government servant in foreign service in India.	1. The foreign employer 2. The authority which sanctioned the transfer to foreign service.	Full power to grant leave on average pay not exceeding four months. Full power.
58	210	Power to waive proviso (a) to supplementary rule 209.	All heads of departments.	Full powers.
59	211	Power to authorise departures from supplementary rule 211.		
60	213	Power to accept a certificate signed by any registered medical practitioner as evidence of the fitness of a non-gazetted Government servant to return to duty.	The authority under which the Government servant will be employed on return from leave.	Full power.
61	233	Power to grant leave to a Government servant in respect of whom a medical committee has reported that there is no reasonable prospect that he will ever be fit to return to duty.	1. Chief Commissioners. 2. First class Political Residents. 3. Departments of the Government of India. 4. Railway Board 5. Auditor-General 5-A. Agents of State Railways. 6. All heads of departments.	Full power. Full power in cases where the pay of the Government servant exclusive of overseas pay, does not exceed Rs. 1,000. Full power in cases where they are empowered to grant leave. Full power in cases where the pay of the Government servant, exclusive of overseas pay, does not exceed Rs. 500.

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
62	284 (a)	Power to declare that a class of Government	1. Chief Commissioners and first class Delhi	

## No. 20.

Page 460, Appendix 13—

Insert the following in columns 4 and 5 against Serial No. 36 in this Appendix :—

“	11. Chief Engineer, Central Public Works Department.	Full power in the case of such temporary engineers as are employed on works other than provincial works in the Delhi Province.”
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[G. I., F. D., Correction No. 165 (S. R.), dated 13th October 1930.]

(No. 20, dated the 25th April 1931.)

## No. 127.

Page 460, Appendix 13—

(i) Cancel Correction No. 20, dated the 25th April 1931, to Serial No. 36 in this Appendix.

(ii) Insert the following in columns 4 and 5 against Serial No. 67 in this Appendix :—

“	5. Chief Engineer, Central Public Works Department.	Full power in the case of such temporary Engineers as are employed on works other than provincial works in Delhi Province.”
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[G. I., F. D., Correction No. 165 (S. R.), dated the 13th October 1930.]

(No. 127, dated the 25th August 1931.)

		the maximum of 30 days.	Government of India.	Full power.
			3. Railway Board	
			4. Auditor-General	Power in the case of non-gazetted establishments.
70	302	Power to extend joining time, on certain conditions, within a maximum of 30 days.	1. All heads of departments.	Full power.
			2. Controller of Civil Accounts.	Full power in the case of Government servants below the rank of Accountant-General.

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
71	311	Power to allot a building or part of a building to a specified post.	Chief Commissioners, first class Political Residents, Departments of the Government of India.	Full power.
72	312 (4)	Power to direct that an officer on leave shall be considered to be in occupation of a residence.	Chief Commissioners, first class Political Residents, Departments of the Government of India.	Full power.
73	313 (1)	Power to suspend the allotment of a residence.	Chief Commissioners, first class Political Residents, Departments of the Government of India.	Full power.
74	313 (4)	Power to allot residences of which the allotment has been suspended.	Superintending Engineer when the residence is in charge of the P. W. D. Heads of Departments in other cases.	Full power.
75	314 (a)	Power to approve sub-tenants.	Superintending Engineer when the residence is in charge of the P. W. D. Heads of Departments in other cases.	Full power.
76	314 (e)	Power to permit rent paid by a sub-tenant to exceed that paid by lessor of a Government residence.	Chief Commissioners, first class Political Residents, Departments of the Government of India.	Full power.
77	316	Power to permit an officer to store furniture, etc., in a residence during temporary absence.	Superintending Engineer when the residence is in charge of the P. W. D. Heads of Departments in other cases.	Full power.
78 and 327	318	Power to nominate Public Works Officer to estimate the present value of residences, and power to determine the present value.	Chief Commissioners, first class Political Residents, Departments of the Government of India.	Full power.

Serial number.	Number of supplementary rule.	Nature of power.	Authority to which the power is delegated.	Extent of power delegated.
1	2	3	4	5
79	321 (a) and 330 (a)	Power to estimate probable cost of maintenance and repairs of leased residences.	Chief Commissioners, first class Political Residents, Departments of the Government of India.	Full power.
80	321 (b) and 330 (b)	Power to estimate amount to be included for capital expenditure on additions and alterations in rents of leased residences.	Chief Commissioners, first class Political Residents, Departments of the Government of India.	Full power.
81	322 (1) (a) and 331 (1) (a)	Power to estimate probable cost of maintenance and repairs of Government residences.	Superintending Engineer when the residence is in charge of the P. W. D. Heads of Departments in other cases.	Full power.
82	322 (1) (b) and 331 (1) (b)	Power to fix percentage to be adopted for calculation of cost of maintenance and repairs to Government residences.	Superintending Engineer when the residence is in charge of the P. W. D. Heads of Departments in other cases.	Full power.
83	322(3) and 331(3)	Power to revise amount or percentage referred to in Supplementary Rule 322 or 331.	Superintending Engineer when the residence is in charge of the P. W. D. Heads of Departments in other cases.	Full power.
84	325(1) and 334(1)	Power to determine rent for certain services and the estimated capital cost.	Superintending Engineer when the residence is in charge of the P. W. D. Heads of Departments in other cases.	Full power.

## APPENDIX No. 14.

[Supplementary Rule 2 (10).]

**List of Officers declared to be Heads of Departments for purposes of the Supplementary Rules.**

The Governor General in Council is pleased to declare the following officers to be Heads of Departments for the purposes of the above rules.

## LIST OF HEADS OF DEPARTMENTS.

*Foreign and Political Department.*

1. Resident at Baroda.
2. Resident in Kashmir.
3. Military Adviser in Chief, Indian State Forces.
4. British Envoy at the Court of Nepal.
5. Consul General and Agent of the Government of India in Khorasan.
6. Political Officer in Sikkim.

**No. 130.***Page 463, Appendix 14—*

*Substitute the following for the existing entry numbered 8-D in this Appendix:—*

"8-D. Chief Medical Officer, Western India States Agency. For the purpose of Fundamental Rules 9 (17), 10, 13, 14, 49 and 56 (b); and Supplementary Rules 4, 7, 9 (so far as the power to sanction honoraria from sources other than Government revenues is concerned—Serial No. 4 in Appendix 13), 12, 30 (b), 31, 35, 59, 60, 62, 63, 73, 75, 76, 77, 164, 183, 210, 211, 233, 296 and 302."

[G. I., F. D., Memo. No. F. 190 (a)—30, dated the 23rd May 1930, to the A. G. G. in the States of Western India.]

(No. 130, dated the 25th August 1931.)

*Department of Revenue and Agriculture.*

11. Surveyor-General.
12. Agricultural Adviser.
13. Director-General, Observatories.
14. Inspector-General, Forests.
15. President, Forest Research Institute.
16. Director, Botanical Survey.
- 16A. Director, Imperial Institute of Agricultural Research, Pusa.
- 16B. Director, Imperial Institute of Veterinary Research, Muktesar.



*Department of Education and Health.*

17. Director-General, Indian Medical Service.
18. Director-General, Archæology.
19. Educational Commissioner.
20. Director, Zoological Survey.
21. The Metropolitan.
22. Secretary, Board of Examiners.
23. Council of Imperial Library.
24. Keeper of the Record.

**No. 102.**

*Page 464, Appendix 14—*

*Insert the following under the heading " Department of Industries " in this Appendix:—*

*" 29-A. Director of Civil Aviation in India."*

[G. I., F. D., Resolution No. F-15 (a) R. I/31, dated 22nd May 1931.]  
(No. 102, dated the 25th June 1931.)

**No. 14.**

*Page 464, Appendix 14—*

*Delete the entry " 31. Superintending Engineer, Simla Imperial Circle " under the head " Public Works Department " in this Appendix and substitute the following for the entry " 31-A. Chief Engineer, Delhi " under the same heading:—*

*" 31. Chief Engineer, Central Public Works Department."*

[G. I., F. D., Resn. No. F-145-R. I/29, dated 8th September 1930.]  
(No. 14, dated the 25th April 1931.)

<p>(d) Locomotive and Carriage and Wagon Superintendents</p>	}	<p>of the North Western Railway, Eastern Bengal State Railway and Oudh and Rohilkhand Railway.</p>
<p>(e) Controllers of Stores</p>		

33. Engineer-in-Chief of lines under construction or survey.
34. Senior Government Inspectors of Railways at Calcutta, Lahore, Lucknow, Bombay and Madras.
35. Mining Engineer, Railway Board.
- 35A. Chief Accounts Officer, East Indian Railway.
- 35B. Director of the Clearing Accounts Office.
- 35C. Chief Electrical Engineer, East Indian Railway.
- 35D. Colliery Superintendent, East Indian Railway.
- 35E. Superintendent of Watch and Ward, East Indian Railway.
- 35F. Chief Publicity Officer, Indian State Railways.
- 35G. Chief Accounts Officers, State-managed Railways.

*Finance Department.*

- 36. Auditor-General.
- 37. Controller of the Currency.
- 38. Accountants-General and the Comptroller, Assam.
- 39. Deputy Controllers of the Currency.
- 40. Chief Auditors and Government Examiners of Railway Accounts, except the Government Examiner of Accounts, Assam Bengal Railway.
- 41. Mint and Assay Masters.
- 41A. Board of Inland Revenue.
- 41B. Commissioners of Income-Tax.
- 41C. Central Board of Revenue.
- 41D. Collectors of Customs at Calcutta, Bombay, Madras, Rangoon and Karachi.
- 41E. Director of Army Audit and Director of Commercial Audit.
- 41F. Collector of Salt Revenue, Madras.
- 41G. Collector of Salt Revenue, Bombay.
- 41H. Opium Agent.
- 41I. Controller of Civil Accounts.
- 41J. Master, Security Printing India.

*Department of Commerce.*

- 42. Director-General of Commercial Intelligence.

*Chief Commissioners' Provinces.*

- 43. Any authority which a Chief Commissioner may declare to be a Head of a Department.

[G. I. F. D. Resn. No. 336-C. S. R., dated 25th April 1922 as amended by subsequent resolutions.]

## APPENDIX No. 15.

[Supplementary Rule 18.]

[Appendix 18 (Revised) to Civil Service Regulations.]

**List of Officers who have been specially classed into the first or second grade for the purpose of calculating Travelling Allowance.**

The Government of India have decided to revise the list of officers paid from Central Revenues (excluding those serving under agency conditions) who were specially classed as officers of the first or second grade under Appendix 18, Civil Service Regulations. The list as revised is published in the Annexure to this Resolution.

## ANNEXURE.

I.—*List of officers specially admitted into the First Grade for purposes of travelling allowance.*

1. Assistant Commissioners, Andaman and Nicobar Islands for journeys in those Islands and for voyages to Indian Ports.
2. District Magistrate of Coorg.
3. Sub-Judge, Coorg, for journeys within his own jurisdiction.
4. Indian Attaché, Indore.
5. Inspectors of Explosives.
6. Junior Inspectors of Mines.
7. Assistant Coal Superintendents.
8. Assistant Mining Manager, Feroze Khan.

**No. 110.**

*Page 466, Appendix 15—*

(i) *Substitute the following for the existing item 11 under Section I of the Annexure to this Appendix:—*

“11. *Post Office.*—Superintendents, including those employed as Assistant Postmasters-General and Assistant Director of Posts and Telegraphs, Sind and Baluchistan.”

(ii) *Substitute the following for the existing items 2 and 3 under Section II of the Annexure to this Appendix:—*

“2. *Post Office.*—Probationary Superintendents of Post Offices; Inspectors of Post Offices and Railway Mail Service and Wireless Investigating Inspectors.

“3. *Telegraph (including Wireless).*—Engineering Supervisors, Electrical Supervisors; Assistant Cable Foremen; and Candidates selected for the posts of Assistant Divisional Engineers, Telegraphs.”

[G. I., F. D., Resolution No. F. 9 (59)-R. I/31, dated 24th June 1931.]

(No. 110, dated the 25th July 1931.)

[G. I., F. D., Resolution No. F. 9 (59)-R. I/31, dated 24th June 1931.]

**APPENDIX No. 16.**

[Supplementary Rule 22.]

[Appendix 22 (Revised) to Civil Service Regulations.]

**List of Permanent Monthly Travelling Allowances.***(Not printed.)*

**APPENDIX No. 17.**

[Supplementary Rule 25.]

[Appendix 26 (Revised) to Civil Service Regulations.]

**List of Conveyance Allowances.**

*(Not printed.)*

**APPENDIX No. 18.**

[Supplementary Rule 52.]

[Appendix 25 (Revised) to Civil Service Regulations.]

**List of Daily Allowances.**

*(Not printed.)*

**APPENDIX No. 19.**

[Supplementary Rule 64.]

[Appendix 20 (Revised) to Civil Service Regulations.]

**List of Officers not entitled to travelling allowance for  
journeys on tour.**

*(Not printed.)*

**APPENDIX No. 20.**

[Supplementary Rule 89.]

[Appendix 27 (Revised) to Civil Service Regulations.]

**List of special cases in which conveyance hire has  
been granted.***(Not printed.)*



## APPENDIX No. 21.

[Supplementary Rule 116 (a) I (iv) (2).]

**List of Officers of the Posts and Telegraphs Department by whom the possession of private conveyances may be considered to be in the interests of the public service and who are entitled to recover the actual cost of transporting their conveyances on transfer, under S. R. 116 (a) I (iv) (2).**

**I.—OFFICERS APPOINTED DIRECTLY BY THE GOVERNMENT OF INDIA.**

1. Director General.
2. Chief Engineer.
3. Deputy Directors General of all Branches.
4. Deputy Chief Engineers.
5. Postmasters General.
6. Directors of all Branches.
7. Deputy Postmasters General of all Branches.
8. Officers of the Superior Traffic Branch, First Division.
9. Divisional and Assistant Divisional Engineers of all Branches.
10. Presidency Postmasters provided that they are not supplied with a car by Government or by a contractor at Government expense.
11. Controller of Telegraph Stores.
12. Electrical Engineer-in-Chief.
13. Controller of Telegraph Traffic.

**II.—OFFICERS APPOINTED BY THE DIRECTOR GENERAL.***(a) First Class Officers.*

1. Superintendents of Post Offices.
2. Officers of the Superior Traffic Branch, Second Division (when transferred to appointments involving touring or similar work).
3. Assistant Engineers (General and Telephones) and Assistant Electricians of all classes.

*(b) Second Class Officers.*

1. First Class Head Postmasters provided they are not supplied with a car by Government or by a contractor at Government expense.
2. Inspectors of Post Offices.
3. Deputy Assistant Engineers (First Class) of all Branches and Deputy Assistant Electricians, First Class.
4. Deputy Assistant Engineers, Second Class (General and Telephones), Deputy Assistant Electricians, Second Class and Supervisors (Wireless).
5. Engineering Supervisors (General and Telephones) and Electrical Supervisors.

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(c) *Third Class Officers.*

1. Town Inspectors.
2. Overseers.
3. Circle Telephone Inspectors.
4. Telephone Inspectors.

[D. G. P. T. No. B. T.-38, dated 10th Nov. 1924 as amended by D. G. P. T.'s  
No. 93-B. I./25, dated 24th December 1926.]

## APPENDIX No. 22.

[Supplementary Rule 164.]

**Rates of travelling allowance admissible to Posts and Telegraphs officials deputed to undergo a course of training.**

1. If an **Inspector of Post offices** during the period of his training in telegraphy, is required to accompany a traffic officer, with a view to obtain practical instructions in inspecting combined offices, he may be treated as on tour and, as such, he may get travelling allowance admissible under Art. 1072 (a), C. S. R. (S. R. 86).

The travelling allowance of Inspectors of Post Offices, selected to undergo a course of training in telegraphy, should be regulated by rules governing journeys on tour, but no halting allowance is admissible to them for the period of training.

[D. G. P. T. Nos. 303 S-Ac, dated 10th June 1920 and 492 S-Ac, dated 5th August 1920 and A. G. P. T. U. O. No. Mis.-2238/Sec. 141 I & II, dated 9th March 1923.]

2. The travelling allowance of the **Head Clerk of the Superintendents of Post Offices**, selected to undergo a course of training in telegraphy, should be regulated by rules governing journeys on tour, but no halting allowance is admissible to them for the period of training.

[D. G. P. T. No. A.T.-9, dated 11th April 1921 and A. G. P. T. U. O. No. Mis.-2238/Sec. 141 I & II, dated 9th March 1923.]

3. A **Probationary Superintendent of Post Offices or Railway Mail Service** transferred from one Circle to another, or when attached to any post office, mail (Railway Mail Service) office or office of Superintendent of post offices or Railway Mail Service for training will draw for the journey from his headquarters to the office to which he is posted and *vice versa*, travelling allowance as for journeys on transfer. The office to which he is attached will for the time being be his headquarters, and, for journeys on duty made while attached to that office, he will draw travelling allowance as for journeys on tour.

A Probationary Superintendent while accompanying Telegraph Traffic Officers to obtain practical instruction in inspecting combined post and telegraph offices will draw travelling allowance as for journeys on tour.

[D. G. P. T. Memo. No. A. T.-59, dated 11th November 1921.]

4. **Reserve Superintendents of Post Offices** deputed for training in departmental work should be treated in the matter of travelling allowance just in the same way as Probationary Superintendents of Post Offices, *i.e.*, they should be allowed travelling allowance as on transfer.

[D. G. P. T. No. 350-B., dated 30th November 1923.]

5. The following rules regulating the grant of travelling allowance to officials of the Post Office for their journeys during the course of training in telegraphy are laid down with the concurrence of the Accountant General, Posts and Telegraphs and the Financial Adviser, Posts and Telegraphs. These are in supersession of all previous orders on the subject.

(a) When an official proceeds on leave after a period of training or proceeds to a training class after a period of leave and eventually joins the post he held previously, he should be granted travelling

allowance as on tour (i.e., 1½ths fares of the class of accommodation to which he is entitled), provided that the leave preceding or succeeding the period of training is leave on full average pay not exceeding 4 months. No travelling allowance should, however, be granted when the leave preceding or following the period of training though on average pay, exceeds 4 months or though not exceeding 4 months, is leave other than on average pay.

- (b) When an official is transferred to an appointment at the place where he is being trained or when an official after a period of training is transferred to a station other than his original station and other than his training station, he should be granted travelling allowance as on tour from his original station to the place of training and from his training station to his new station, if any, and in addition he should be allowed travelling allowance for members of his family and the conveyance charges for his personal effects from his old station to the new station (by the direct route). He should also be allowed one and two-

### No. 101.

Page 475, Appendix 22—

Insert the following as a Note to paragraph 5 of this Appendix:—

“NOTE.—A Post Office official deputed for training in Telegraphy on condition that no extra expense will be caused to Government on that account is not entitled to any travelling allowance for his journeys to and from the Telegraph training class.”

[D. G., P. & T., letter No. SA-269-5/31, dated 5th May 1931.]

(No. 101, dated the 25th June 1931.)

in the centre at Calcutta, will be granted travelling allowance from their old stations to Calcutta as on tour, i.e., at the rate of 1½ths of the class of accommodation to which they are entitled; no charge whatever on this account will be admitted for their families. When posted from the Training School at Calcutta to a wireless station for their practical course, they will draw similarly for such journeys the travelling allowance at the same rates and under the same conditions. No daily allowance will be granted to a Telegraphist undergoing wireless training.

### No. 78.

Page 475, Appendix 22—

Insert the following as the third sub-paragraph to paragraph 6 of this Appendix:—

“In the following cases in which the period of training ranges from 9 months to 2½ years, Travelling Allowance as on transfer may be drawn:—

- (1) Engineering Supervisors selected to undergo training for Deputy Assistant Engineerhips; and

- (2) Telegraphists who are sent to be trained as Telephone and Electrical Supervisors.”

[D. G., P. & T., U. O. No. 71-Est. A./28, dated 18th December 1928, and A. G., P. & T., letter No. Mis.-2502/Sec.-141, dated 11th January 1929, to the D. A. G., T., Calcutta.]

(No. 78, dated the 25th April 1931.)

**APPENDIX No. 23.**

[Supplementary Rule 184.]

[Appendix 16-A (Revised) to Civil Service Regulations.]

**List of exceptions referred to in Supplementary  
Rule 184.**

*(Not printed.)*

## APPENDIX No. 24.

[Supplementary Rule 191.]

**List of Controlling Officers in the Posts and Telegraphs Department (including audit) for purposes of Travelling Allowance.**

The travelling allowance bills of the officers named in column I of the statement given below for journeys, either on transfer or on tour, will henceforth be countersigned by the authorities named in column II who should be considered as the controlling authorities of those officers for the purpose of travelling allowance:—

## Post OFFICE.

I.	II.
Officers.	Countersigning authorities
(1) Deputy Director-General	Director-General.
(2) Heads of Circles, Assistant Directors-General, and officers attached to or directly subordinate to the Director-General's office.	Director-General or Deputy Director-General.
(3) Deputy Postmasters-General subordinate to Postmasters-General, Superintendents of post offices (including Assistant Postmasters-General) and 1st Class Head Postmasters.	Postmasters-General.
(4) Superintendents, R. M. S. (including Assistant Postmasters-General).	Deputy Postmasters-General, R. M. S.
(5) Other gazetted officers	The Officers' immediate superior.
(6) Establishments of the office of the Director-General of Posts and Telegraphs.	Deputy Director-General.
(7) Office establishments of Heads of Circles including the Dead Letter Office, Stock Depot, Postal Press and any other headquarters offices.	Heads of Circles or in their absence, their Deputy or in the absence of both, the senior Assistant Postmaster-General.
(8) Officials employed in the Aligarh Workshop.	Superintendent, Aligarh Workshop.
(9) All non-gazetted officials under the administrative control of a Gazetted Postmaster.	Gazetted Postmaster.
(10) All non-gazetted officials in a Division (excluding those mentioned in item (9) above).	Superintendent.

[D. G. P. T. Cir. No. 48, dated 23rd November 1922 as amended by D. G. P. T.'s Circular No. 31 (Part IV), dated 16th September 1926.]

## TELEGRAPH TRAFFIC.

## I.

## Officers.

- (1) Deputy Director-General, Telegraph Traffic.
- (2) Assistant Directors-General or Assistant to Deputy Director-General, Telegraph Traffic.
- (3) Deputy Postmasters-General, Telegraph Traffic; Superintendents, Telegraph Traffic.
- (4) All establishments of Departmental Telegraph Offices.
- (5) Officers in charge of Departmental Telegraph Offices.

## II.

## Countersigning authorities.

- Director-General.
- Director-General or Deputy Director-General, Telegraph Traffic.
- Postmasters-General.
- Officers in charge of Departmental Telegraph Offices.
- Deputy Postmasters-General, Traffic (on behalf of Postmasters-General).

[D. G. P. T. G. O. (Telegraph Traffic), No. 6, dated 18th June 1923 as amended by D. G. P. T.'s Endorsement No. Tfc./A./218-27, dated 24th January 1928.]

## TELEGRAPH ENGINEERING.

## I.

## Officers.

- (1) Chief Engineer . . . .
- (2) Heads of Circles, Deputy Chief Engineers, Electrical Engineer-in-Chief, Superintendent of Workshops and Controller of Stores.

## II.

## Countersigning authorities.

- Director-General.
- Director-General or Chief Engineer.

NOTE.—Where the Director of an Engineering Circle is under the control of a Postmaster-General, the Postmaster-General is the countersigning authority.

- (3) All establishments under their respective control. Head of a Circle, Divisional Engineer, Electrical Engineer-in-Chief or Superintendent of Workshops.
- (4) All establishments in his office as well as the staff of all other Store Depôts. Controller of Stores.

[D. G. P. T. G. O. (Telegraph Engineering), No. 9, dated 18th June 1923 as amended by D. G. P. T.'s U. O. No. 58-Egc./27, dated 14th October 1927.]

## WIRELESS.

## I.

## Officers.

- Director of Wireless . . . .
- All Divisional Engineers, Wireless and Assistant Divisional Engineers, Wireless.
- All establishments under their control.
- All establishments under their control.

## II.

## Countersigning authorities.

- Director-General.
- Director of Wireless.
- Divisional Engineers, Wireless.
- Officers in charge of Wireless Stations.

[D. G. Cir. (Wireless Branch), dated 13th June 1923.]

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POST AND TELEGRAPH AUDIT OFFICES.

The Accountant-General, Posts and Telegraphs, as a Head of Department, has declared all Deputy Accountants-General (including Accounts Officer, Telegraph Check Office) to be the controlling officers, for travelling allowance purposes, of all members of the establishments subordinate to them.

[A. G. P. T. No. Mis.-637—F.-90 (a), dated 20th May 1922.]



## APPENDIX No. 25.

[Supplementary Rules 206 and 208.]

## List of authorities in the Indian Posts and Telegraphs Department empowered to grant leave.

Authority empowered to grant leave.	Extent of power.	Remarks.
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## I.—Authorities empowered to grant leave to gazetted officers.

1. Director General of Posts and Telegraphs.	(i) Full powers in respect of all gazetted officers below the rank of Postmasters General, Director, Engineering, or Deputy Director General, Telegraph Traffic, in the Traffic Branch.	G. I., P. W. D., letter No. 1286-P. W., dated 3rd July 1922.
	(ii) To military officers employed in the Department.—Leave in India.	Do.
2. Head of a Circle . . .	(i) May grant leave not exceeding	

## No. 80.

Page 480, Appendix 25—

(1) Read "the maximum of whose grade exceeds Rs. 350" for "the maximum of whose grade does not exceed Rs. 350" in the last line of paragraph (ii) in the second column against item 2 in the first column in Section I of this Appendix; and read "1589-P. W., dated 22nd August 1922" for "1509-P. W., dated 22nd August 1922" in the third column against the same item.

(2) Insert the following in the second and third columns against item 2 in the first column in Section I of this Appendix:—

(iii) May grant leave on average pay up to 4 months to officers of the 2nd Division of the Superior Traffic Branch, Assistant Engineers (Telegraphs, Telephones and Wireless) and	G. I., I. & L. D., letter No. Staff-A.-0182/28, dated 13th December 1930."
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Authority empowered to grant leave.	Extent of power.	Remarks.
-------------------------------------	------------------	----------

*II.—Authorities empowered to grant leave to non-gazetted officers as exceptions to Supplementary Rule 206.*

1. Heads of Circles . . .	Full powers in respect of officials of a rank lower than those mentioned against them in Section I above	G. I., P. W. D. letter No. 1236-P W., dated 23rd July 1931.
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**No. 81.**

*Page 481, Appendix 25—*

**No. 113.**

*Page 481, Appendix 25—*

*Insert the following as item 2 under Section II of this Appendix, the existing items 2 to 5 being re-numbered 3 to 6:—*

"2. Presidency Postmasters, Calcutta, Bombay and Madras and Postmaster, Rangoon.	May grant leave to officials in the lowest selection grade under their control and make officiating appointments in their place from among eligible officials who have passed the Lowest Selection Grade Examination subject to the proviso that any case in which a supersession may be involved should be referred for the previous orders of the Head of the Circle.	D. G. P. T., No. S. A.-248 (3)-30, dated 23rd May 1931.
--	---	---

(No. 113, dated the 25th July 1931.)

7. Telegraphists in charge . . .	Circle should satisfy himself that the Telegraph Master in charge is competent to exercise these powers. May grant leave up to 4 months to menials if no substitute is appointed. The Head of the Circle should satisfy himself that the Telegraphist in charge is competent to exercise these powers.	Do.
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(No. 81, dated the 25th April 1931.)



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FORMS.

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## FORMS.

### F. R. FORM No. 1.

(See Paragraph 4 of Appendix No. 8.)

#### *Military Department Certificate of title to leave.*

(Obverse.)

Certified that \_\_\_\_\_ who is subject to the furlough rules of \_\_\_\_\_ has \_\_\_\_\_ years' \_\_\_\_\_ days' furlough at his credit. He is eligible for furlough at the rates of pay specified:—

For \_\_\_\_\_ years \_\_\_\_\_ days on furlough pay on private affairs  
English furlough pay medical certificate

For \_\_\_\_\_ years \_\_\_\_\_ days on furlough pay if granted an extension on medical certificate.

For \_\_\_\_\_ years \_\_\_\_\_ days on English furlough pay if granted an extension on medical certificate.

For \_\_\_\_\_ years \_\_\_\_\_ days without pay if granted an extension on urgent private affairs.

He is  
is not entitled to draw furlough pay at the rate of exchange of two shillings the rupee.

The \_\_\_\_\_ 19 .

C. M. A. \_\_\_\_\_ District.

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NOTE.—(On the back are noted the dates of beginning and ending of any leave already taken, the nature of such leave, and the rule under which it was taken.)

(Reverse.)

LEAVE ALREADY TAKEN.		Nature of leave.	Rule under which taken.
Date of beginning.	Date of ending.		

## F. R. FORM No. 2.

(See Paragraphs 3, 14 and 23 of Appendix No. 3.)

NOTE.—Forms supplied in bound books with counterfoils bear the No. 2A.

*Leave-Salary Certificate.*

No.——.

Leave-salary certificate of \_\_\_\_\_  
 of the \_\_\_\_\_proceeding on \_\_\_\_\_  
 to \_\_\_\_\_.

1. Government under which employed. 1.
2. Substantive post . . . . . 2.
3. Officiating post (if any) . . . . . 3.
4. Statement of present leave . . . . . 4.

Nature of leave (specifying periods on average pay, half average pay and quarter average pay separately).	Y.	M.	D.	From	To	Monthly rate of leave-salary (and allowances if any) subject to the deductions noted on the reverse.	Article and clause of the Fundamental Rules or other Regulations.

5. Place of payment . . . . . 5.
6. Date from which first payment  
is to be made. 6.
7. Amount (if any) paid in advance 7.
8. Government and head of  
account to which the pay-  
ment is debitablé. 8.
9. Date of leaving India . . . . . 9.
10. Date on which the Government  
servant will, during the cur-  
rency of leave, complete the  
term of service or attain the  
age after which, by any rule  
he is required to retire from  
the service, as for instance  
55 years of age. 10.

Y.	M.	D.



11. Period for and terms on which leave may be extended, or commuted otherwise than on extraordinary leave.

11.

Y. M. D.

granted.  
may be extended on  
medical certificate without  
medical certificate on same  
leave-salary by

(Further particulars required in the case of Military officers in Civil Employ.)

12. Date of commencement of pension service.

12.

13. Date of entry under Civil Leave Rules.

13.

14. Amount of leave at credit at commencement of present leave.

14.

{ Earned in respect of service under Military rules.  
{ Earned in respect of service while under Civil rules.

15. Date of being struck off duty .

15.

## 16. DEDUCTIONS TO BE MADE.

Indian Civil Service Family Pensions For wife Rates.  
Military or Indian Military Widows and self £ per mensem from  
Orphans' Fund or Superior Services (India) Family Pension Fund Subscription.

„ sons £ „ „ „

„ daughters £ „ „ „

Total £

A balance of donation on £ and interest £ †  
for

is recoverable at £ a month from—

General Provident Fund

Indian Civil Service Provident Fund Deductions (if any).

(Signature) \_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

† In cases of subscribers to Indian Civil Service Family Pensions and Superior Services (India) Family Pension Fund, interest accrued in India to be given here.

*Abbreviations.*

M. C.	.	.	.	.	Medical Certificate.
E. C. A.	.	.	.	.	Exchange Compensation Allowance.
Y. M. D.	.	.	.	.	Years, Months, Days.
Art.	.	.	.	.	Article.

*NOTES.*

1. Distinguish leave granted on medical certificate, from leave granted without medical certificate, and if the leave, though technically of the latter description, was granted in consequence of the production of a medical certificate or on medical grounds, mention the fact.

2. Except in the case of Chaplains, leave-salary should be stated in whole rupees only a month (fractions being omitted and the next higher rupee taken where the fraction exceeds half) and not in pounds a year; and in entering "the rate of leave-salary" it should be stated, in the first place, without reference to the maximum or minimum, applicable, and then, if a maximum or minimum applies or if the leave-salary is such that a future change in the current rate of exchange may render a maximum or minimum applicable, the words should be added "subject to a maximum (or minimum) of, etc."

3. The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day, on which each monthly payment is made, subject to a minimum rate of 1s. 4d. per rupee in respect of leave-salary drawn on account of the first four months of leave on average pay and of 1s. 6d. per rupee in other cases. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.

4. It must be shown whether a Government servant is entitled to the full amount of leave permitted by the rules.

5. In line 7 the Articles of the Fundamental or other Rules under which the advance is made should be mentioned.

6. The date on which any Government servant will, during the currency of leave, complete the term of service, or attain the age after which by any rule he is required to retire from the service, should be shown in line 10.

7. These rules apply also to leave-salary certificates granted to non-gazetted Government servants when they proceed on leave out of India and draw their leave-salary out of India. In such cases the fact that the Government servant is a non-gazetted Government servant should be noted against entry 2.

8. In preparing the leave-salary certificates of the subscribers to the Indian Military Service Family Pension Regulations and to the Indian Military Widows and Orphans' Fund, who take leave under the Fundamental Rules, the instructions given in Government of India, Finance Department, No. 914-F. E., dated the 10th May 1922, should also be observed, *viz.*, the leave-salary certificate should show clearly the rate of leave-salary, the monthly maximum of average pay, whether it is likely to become effective or not and the period for which the leave-salary is not subject to the monthly maximum.

9. The following particulars should be noted in line 8:—

- (1) the major, minor and detailed head of account;
- (2) whether debitable to Central or Provincial revenues; if the latter, the name of the Provincial Government;
- (3) whether the expenditure pertains to a "Reserved" or a "Transferred" subject;

(4) whether the expenditure is "voted" or "non-voted". When the head of account to which the leave-salary is debitable during extensions of leave differs from the head to which it was debitable during the period of leave originally granted, this fact should be indicated.

10. If the leave granted is less than 22 months, calculations up to 28 months' absence only may be given in the first instance, and as soon as the leave is extended so as to bring the total period of absence from duty to 22 months or more, an amendment to the original leave-salary certificate should be issued at once showing the amount of further leave due on medical certificate beyond 28 months.

11. In the case of Government servants to whom the rules regarding the grant of passages to civilian Personnel of British Domicile engaged for service in India, apply, an additional entry should be made showing whether they and their families were given the benefit of Rule VII, and whether they were allowed a similar benefit under either Rule VII or Rule VIII on returning to India.

12. In all English leave-salary certificates the particulars of all outstanding advances (including passage advances) should be noted under item 16, and in the case of motor car and similar advances, the date from which the recovery of monthly instalments should be effected, should be stated.

13. With the exception of privilege leave earned in a Civil Department, which should be taken first, a Military Officer in Civil employ may set off the leave he takes against the civil leave or military leave at his credit, as he likes. A definite election to the matter should be obtained from all such officers, and his election should be noted in the leave-salary certificate.

## F. R. FORM No. 3.

(See paragraph 19 of Appendix 8.)

*Certificate of service and residence of A. B., a Chaplain of the  
 ————— Establishment, and of the amount of annuity  
 for which he is eligible.*

Total period of service                      years              months              days.

Total period of residence                      years              months              days.

Computed up to

(Here enter the date of embarkation. If, however, the Chaplain is availing himself of subsidiary leave prior to retirement, enter the date of embarkation if that date falls within the period of subsidiary leave; otherwise the date of resignation.)

Amount of annuity for which eligible £ s. d.

NOTE.—(If the periods of residence and service are less than seventeen and twenty years, respectively, a medical certificate is required.)

There are no demands on the books of the Government of India against  
 A. B.

Dated at \_\_\_\_\_ . }  
 \_\_\_\_\_ 19 . }

*Accountant-General.*  
*Comptroller.*

Forwarded to the Secretary to the Government of \_\_\_\_\_

N.B.—(The above certificate having been given on an examination of the Public Accounts up to the latest period found to be practicable on this date, is not to preclude the Government of India from claiming any amount for which the above-named Government servant may hereafter be found to be

## F. R. FORM No. 4.

(See paragraphs 15 to 17 of Appendix No. 8.)

*Audit Officer's letter to the Government servant proceeding on leave out of India.*

To

SIR,

With reference to the order noted in the margin, granting you leave out of India, I have the honour to say that it is necessary for you to obtain from me a leave-salary certificate to enable you to draw your leave-salary.

Here enter number and date of the order, name of the authority granting the leave, and page of the gazette in which the leave is notified.

2. To enable me to prepare your leave-salary certificate, it is necessary that you send me the information asked for in the enclosed F. R. Form No. 5 and also your formal certificate of giving over charge of your office, date and hour, at your earliest convenience.

3. If you are in, or intend to pass through (audit officer's station) your certificate will be prepared, and your pay and allowances paid up to the date before your leave commences, except in the case referred to in paragraph 4 below, on your calling personally at my office, and presenting a last-pay certificate from the officer from whom you last drew your pay and allowances. Otherwise, I shall cause the leave-salary certificate to be sent to the address specified by you, and the pay and allowances to be paid through the officer from whom you draw your pay and allowances.

4. Leave-salary due for the first four months of leave on average pay taken by itself or in combination with other leave may be drawn either in India or out of India. If you desire to draw it in India a separate leave-salary certificate for this portion of the leave will be issued, but you will be allowed to draw the pay and allowances for the broken period of the month up to the date of relief only at the commencement of the next month along with the leave-salary for the rest of the month.

5. If you wish to draw your leave-salary in India under the provision of paragraph 4 above, you should either grant your Agents a power-of-attorney or leave your bills ready signed in their custody for presentation as they fall due. A guarantee bond undertaking to refund overpayments should be furnished by your Agents unless they have executed a general bond of indemnity.

6. I send herewith a copy of a memo. of information for the guidance of Government Servants proceeding on leave out of India and a blank Form (F. R. Form No. 7) of the date of leaving India to be signed and sent to me from the first port at which your vessel touches.

7. If you wish to draw your leave-salary in a Colony, please send me three specimens of your signature.

NOTE.—(Paragraphs 4 and 5 do not apply to non-gazetted Government servants who have to draw their leave-salary through the Head of the office and should be omitted from the letters addressed to them.)

*Accountant-General.*  
*Comptroller.*

## F. R. FORM No. 5.

(See paragraph 15 of Appendix No. 3.)

*Information required by the Audit Officer before the leave-salary certificate can be drawn up.*

(This form should be returned duly filled up to the Audit Officer one clear week before the date of making over charge.)

1. On what date do you intend to make over charge of your office? 1.
2. Before or afternoon? 2.
3. At what port do you intend to embark? 3
4. By what ship will you sail, and on what date? 4.
- 5 In what country do you wish to draw your leave-salary during leave on average pay for a period not exceeding four months, if any, at the commencement of your leave? 5.
6. What is your address in England or in India or elsewhere to which your leave-salary certificate, to enable you to draw your leave-salary, may be sent, in case it is not handed over to you before you go on leave? 6.
7. What advance, if any, do you require now? 7.
8. Do you intend to pay your..... Civil Fund subscriptions in England or in India? 8.
9. Do you wish to subscribe to the General Provident Fund? If so, for what period of your leave and at what rate per cent. on your leave-salary? 9.

Nos. 3 and 4 are for Government servants to whom the leave rules in Sections I to V of Chapter X of the Fundamental Rules are not applicable.

No. 5.—Leave-salary due for the first four months of the period of leave on average pay, if any, at the commencement of any period of leave out of India can be drawn in or out of India at the Government servant's option. In India they can be drawn only on the first day of each month in arrears by an authorised agent under a guarantee bond or on production of a life certificate. The allowances for a broken period of a month may be drawn any time after the expiration of the leave.

No. 7 is for Military Officers subject to the Military Leave Rules and for Chaplains only.

No. 8 is for members of the Indian Civil Service only.

NOTE 1.—In the case of non-gazetted Government servants to whom Note 9 to F. R. Form 2 or Note 4 to Form No. 1 under the Supplementary Rules apply, in additional question should be inserted to obtain the information required under that Note.

NOTE 2.—With the exception of privilege leave earned in a Civil Department which should be taken first, a Military officer in Civil employ may set off the leave he takes against the civil leave or military leave at his credit, as he likes. When Form 5 is sent to such an officer question 10 should be added in manuscript. "Is the leave to be set off against the military leave or against the civil leave at your credit?" The answer should be noted on his leave-salary certificate.

Dated at \_\_\_\_\_ . } (Signature) \_\_\_\_\_

The \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_ . } (Designation) \_\_\_\_\_

To the Accountant-General \_\_\_\_\_

## F. R. FORM No. 7.

(See paragraph 20 of Appendix No. 8.)

*Report of actual sailing.*

FROM

To

THE ACCOUNTANT-GENERAL.

SIR,

I have the honour to report that I sailed from India by the steamer  
 "\_\_\_\_\_," which left \_\_\_\_\_ on \_\_\_\_\_  
 day the \_\_\_\_\_ of \_\_\_\_\_ 19 .

I have, etc.,

(Signed)

Noted and forwarded to the Secretary to the Government of \_\_\_\_\_  
 Department.

The \_\_\_\_\_ 19 . }

Accountant-General.  
Comptroller.





(See paragraph 33 of Appendix No. 8.)

*Leave account of*

Date of commencement of service .

**Date of contract, if any -**

**Date of coming under Civil Leave Rules-**

**Date of coming under Civil Leave Rules-**

[illegible]

*Instructions for filling up F. R. Form No. 9-A.*

1. The Account is to be maintained in terms of leave on average pay. For this purpose, actual periods of leave taken on half or quarter average pay as entered in column 13 should be divided by 2 and posted in column 14.

2. In the case of officers who were subject to the Civil Service Regulations leave rules before they elected the Fundamental Rules, the account should commence with an opening entry in columns 4, 5, 6, 7, 8, 11, 13, 14, 15, 16, 17 and 18. The words "Due on (date of coming under the Fundamental Rules)" should be written across columns 1, 2 and 3 and against these words credit under Rule 77 (b) (ii) (1) should be given in column 4 and column 6 and that under Rule 77 (b) (ii) (2) and Rule 77 (e) in column 5 and column 7 while debit for commuted furlough taken under the old leave rules should be given in column 11 and that under Rule 78, Note (2) (i) (a), in column 13, one half of the latter being entered in column 14. The sum total of the entries in columns 6 and 7 and in columns 11 and 14 should be entered in columns 8 and 15 respectively. The difference between the entries in columns 8 and 15 should be entered in column 18 and the entry in column 4 or 6 should be repeated in column 16 while the entry in column 5 or 7 *minus* the sum total of the entries in columns 11 and 14 should be shown in column 17.

3. When a Government servant applies for leave, columns 1 to 8 should be filled up. Columns 1, 2 and 3 should show the Government served under and the period of duty up to the date preceding that on which the Government servant intends to go on leave, and columns 4 and 5 should each show  $\frac{1}{11}$ th of this period (but see Note 2 below), the sum total of the two entries representing the period of leave (*i.e.*,  $\frac{2}{11}$ ths of duty) earned under Rule 77 (b) (ii) (3). To the new entry in column 4 should be added the last entry in column 16 and the resultant figure should be posted in column 6; similarly to the new entry in column 5 should be added the last entry in column 17 and the resultant figure should be posted in column 7. The total of the entries in columns 6 and 7 will be shown in column 8.

NOTE 1.—If during the period of duty prior to a Government servant's going on leave he has served under two or more Governments, the period of duty and the leave earned under each Government should be shown in separate lines in columns 1 to 5 and the sum total of the new entries in column 4 and the last entry in column 16 should be posted in column 6 and of those in column 5 and the last entry in column 17 in column 7, the total of the entries in columns 6 and 7 being shown in column 8.

NOTE 2.—The sum total of the entries column 5, inclusive of the opening entry mentioned in instruction No. 2, should not exceed 2½ years [Rule 81 (a) (ii)], and no entry should be made in this column when this limit of 2½ years is reached.

When columns 1 to 8 have been posted, column 8 will show the *maximum* amount of leave which may be granted *in terms of leave on average pay*, [but see Rule 81 (d)], to a Government servant on the date on which he intends to go on leave. The *maximum* amount of leave *on average pay* which may be granted on that date with medical certificate or out of India and Ceylon will be the sum total of the last entry in column 6, and the unspent balance of "one year" limited to 8 months at a time, provided this sum total is covered by the period entered in column 8; in the case of leave in India or Ceylon without medical certificate, the maximum will be the last entry in column 6, limited to 4 months at a time. The limits of 8 and 4 months may be exceeded as provided in the note to Fundamental Rule 81 (b).

4. When a Government servant returns from leave, columns 9 to 18 should be filled up. The period of leave taken on average pay should be entered in columns 9, 10 and 11, that taken on medical certificate or spent elsewhere than in India or Ceylon should be entered in column 11 till the limit of one year is reached and thereafter in column 10. The actual periods of leave on half or quarter average pay (together with leave on subsistence grant under the Note to Fundamental Rule 88) and overstayal of leave (*vide* Fundamental Rule 73) should be entered in column 13 and one half of it in column 14.

NOTE 1.—Leave on average pay taken under the Fundamental Rules in India without medical certificate in excess of the last entry in column 6 before the deletion of “*plus one year*” from Rule 81 (b) (ii) should be entered in column 11.

NOTE 2.—If the leave taken on half average pay exceeds the amount at credit on half average pay, the excess should be shown in red ink in column 17. If this debit, shown in column 17 exceeds the credit, if any, shown in column 16, the net debit in column 18 will be recorded in red ink. The entry in column 18 is the leave due under Fundamental Rule 80. The balance of leave due on average pay shown in column 16 remains unaffected by any debit entries in columns 17 and 18, but cannot be utilised until, under the operation of Fundamental Rules 77 and 81 (e), leave again becomes due under Fundamental Rule 80 and then only to the extent of the leave due.

5. The total period of leave in terms of leave on average pay taken in a Government servant's whole service as entered in column 15 should not exceed the privilege leave credited to him in column 4 on his coming under the Fundamental Rules *plus* all periods of leave subsequently entered in that column *plus* 2½ years.

6. When a Government servant is transferred to service under another Government, a separate account should be opened in F. R. Form 9 for showing the leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account which must be a complete record of all leave earned and taken under these rules throughout his service.

## F. R. FORM No. 10.

(See paragraph 34 of Appendix No. 8.)

*Service Book.*

Space should be provided on the reverse of the title-page of the service book to record thumb and finger impressions of (non-gazetted) Government servants under the following heading:—

“Thumb and finger impressions of (non-gazetted) Government servant.”

The opening page of the service book should contain the following entries:—

- (1) Name.
- (2) Race.
- (3) Residence.
- (4) Father's name and residence.
- (5) Date of birth by the Christian Era as nearly as can be ascertained.
- (6) Exact height by measurement.
- (7) Personal marks for identification.
- (8) Signature of Government servant.
- (9) Signature and designation of the head of the office or other attesting officer.

NOTE.—[The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (8) and (9) should be dated. Finger prints need not be taken afresh every five years under this rule.]

The remaining folios of the service book should be divided into fifteen columns, viz.:—

- (1) Name of appointment.
- (2) Whether substantive or officiating, and whether permanent or temporary.
- (3) If officiating state—
  - (i) Substantive appointment, or
  - (ii) Whether service counts for pension under Article 371, Civil Service Regulations.
- (4) Pay in substantive appointment.
- (5) Additional pay for officiating.
- (6) Other emoluments falling under the term “Pay”.
- (7) Date of appointment.
- (8) Signature of Government servant.
- (9) Signature and designation of the head of the office or other attesting officer in attestation of columns 1—8.
- (10) Date of termination of appointment.
- (11) Reason of termination (such as promotion, transfer, dismissal, etc.).
- (12) Signature of the head of office or other attesting officer.
- (13) Leave taken—nature and duration of.
- (14) Signature of the head of the office or other attesting officer.
- (15) Reference to any recorded punishment or censure, or reward or praise of the Government servant.

## FORM No. I UNDER THE SUPPLEMENTARY RULES.

(See paragraphs 14 and 16 of Appendix No. 8.)

*Colonial Leave-Salary Warrant.*Debitable to Civil  
Military estimates.

(For. I. C. S. and Military Officers in Civil employ.)

(Obverse.)

Warrant No. \_\_\_\_\_

**No. 137.***Page 501, Form No. I under the Supplementary Rules—*

*Substitute the words "at 1s. 6d. a rupee" for the words "at the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment is made" occurring in lines 2 to 4 of para. 2 in this Form.*

[Audit Code, Volume II, 1st Edition (Reprint), No. 328.]

(No. 137, dated the 25th August 1931.)

From .....to .....				
From.....to.. ....				
From.....to.....				

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading:—

4. The following deductions are to be made from the leave-salary of each month before payment:—

			Rates
Indian <u>Civil</u>	Service Family Pensions	For Wife	£ per mensem from
<u>Military</u>		" self	£ "
Or Indian Military	Widows and Orphans	" sons	£ "
Fund Subscription		" daughters	£ "
	Total	£	

A balance of donation on  
for £ and interest £\*

is recoverable at £ a month from

Indian Civil Service Provident Fund Deductions (if any).

\* In cases of subscribers to the Indian Civil Service Family Pensions, interest accrued in India to be given here.



## FORM No. I-A UNDER THE SUPPLEMENTARY RULES.

*Colonial Leave-Salary Warrant.*Debitable to Civil  
Military estimates.

(See paragraphs 14 and 16 of Appendix No. 8.)

(For uncovenanted services.)

**No. 139.***Page 503, Form No. I-A under the Supplementary Rules—*

*Substitute " at 1s. 6d. a rupee " for the words " at the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment is made " occurring in lines 2 to 4 of para. 2 of this Form.*

[Audit Code, Volume II, 1st Edition (Reprint), No. 330.]

(No. 139, dated the 25th August 1931.)

Period.	rupees a month.	rate of exchange.	£ a month.	£ a month.
From .....to.....				
From..... to.....				
From.....to.....				

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading:—

4. The following deductions are to be made from the leave-salary of each month before payment:—

	Rates per mensem from
Superior Services (India) . . . . .	Wife " "
Family Pension Fund. . . . .	Sons " "
	Daughters " "
Arrears if any . . . . .	" " "
Interest. . . . .	

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Accountant-General.  
Comptroller.

Dated at.....

The.....19 .





## FORM No. II UNDER THE SUPPLEMENTARY RULES.

(See paragraph 18 of Appendix No. 8.)

*Certificate of Leave.*

Granted to \_\_\_\_\_

\_\_\_\_\_proceeding out of India.

1. Government under which employed.
2. Post last held.
3. Nature of leave granted.
4. Date of commencement of leave.
5. Date of expiry of leave.
6. Whether a medical certificate of fitness must be produced before return to duty.
7. Amount of leave, expressed in terms of leave on average pay, at the Government servants' credit on the expiry of the present leave.
8. Period of leave on average pay which might under Fundamental Rule 81, be granted if the present leave were extended. (Further particulars required in the case of Military Officers in Civil employ.)
9. Date of entry under Civil leave rules.
10. Amount of leave at credit at commencement of present leave:—

Earned in respect of service under Military rules.

Earned in respect of service under civil rules.

The \_\_\_\_\_ 19 . } (Signature)  
 } (Designation)

NOTE 1.—No leave-salary is payable on this certificate.

NOTE 2.—This certificate must be produced before the High Commissioner, with any application for an extension of leave or permission to return to duty or the grant of a last-pay certificate.



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## INDEX.

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# INDEX.

This Index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rules. The following abbreviations have been used:—

F. R. . Fundamental Rules.	S. S. . Secretary of State.
S. R. . Supplementary Rules.	G. I. . Government of India.
App. . Appendix.	Ar. G. . Auditor General in India.
A. I. . Audit Instruction.	A. G. . Accountant General, Posts and Telegraphs.
A. R. . Audit Ruling.	D. G. . Director General of Posts and Telegraphs.

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## Leave—

- Abolition of a post to be deferred in case in which a Government servant has no lien except on the post abolished. F. R. 9 (13) [Ar. G.'s decision.]
- Absence after expiry of — . . . . . F. R. 73.
- Amount of — credited to leave account . . . F. R. 77.
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- Apprentices and Probationers . . . . . F. R. 104 and S. R. 291-292.
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- Audit Officer's report necessary before — can be granted to a gazetted Government servant. S. R. 207.
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- Beyond the date on which a Government servant must compulsorily retire. F. R. 86.
- Cannot be claimed as of right . . . . . F. R. 67.
- Certificate of fitness to return to duty . . . F. R. 71.
- Chaplains . . . . . F. R. 95 [S. S. Rules].
- Combination of holidays with — and joining time. S. R. 209-211.
- Commencement and end of — . . . . . F. R. 68.
- Commutation of — . . . . . F. R. 87 [G. I. decision (3)].
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- Conditions of grant of — to inferior servants . F. R. 2 [G. I. order].
- Conditions of — in respect of deputation out of India. F. R. 100A.
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- Definition of — on average (half or quarter average) pay. F. R. 9 (11).
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- Earned by duty only . . . . . F. R. 60.
- Election to remain under old — rules . . . F. R. 58.
- Evasion of — rules is not permitted . . . F. R. 67 [G. I. decision] and App. 3, Part V (2).

	Rules.
<b>Leave—contd.</b>	
Extension of — . . . . .	F. R. 73.
Extent of application of — rules . . . . .	F. R. 58, 59 and 64.
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Grant of — on half average pay against the wishes of a Government servant when — on full average pay is admissible.	F. R. 87 [G. I. decision (1)].
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Hospital — . . . . .	F. R. 101 (b) and S. R. 266-273.
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Lien on post during — . . . . .	F. R. 14.
Lieutenant-Governors . . . . .	F. R. 96.
Local Government may make rules prescribing procedure in India.	F. R. 74.
Manipulation of different arrangements of — not permissible.	F. R. 87 [G. I. decision (2)].
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Maximum amount of — that can be granted to a Government servant.	F. R. 81.
Medical certificate does not confer any right to —.	S. R. 227-228.
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**Leave—*concl'd.***

- Not admissible to a Government servant under suspension. F. R. 55.
- Not admissible to a Government servant who ought to be dismissed. S. R. 234.
- Not due: Conditions of grant . . . . . F. R. 81 (e).
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- Part-time service . . . . . F. R. 103 (c) and S. R. 287-288.
- Past service of a re-instated Government servant may be allowed to count for —. F. R. 65.
- Penalty for overstaying . . . . . F. R. 73.
- Permission required to return from — out of India on medical certificate. S. R. 258.
- Presidents of Legislative bodies . . . . . F. R. 94A [S. S. order].
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- Seamen's Sick Leave . . . . . F. R. 102 and S. R. 274-275.
- Service prior to discharge on re-employment . F. R. 65 (a).
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- Task-work peons . . . . . S. R. 289 [G. I. decision].
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- Termination of — . . . . . F. R. 68.
- Time spent on — how treated for purposes of increments. F. R. 26.
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- Travelling allowance to Government servant proceeding on or returning from —. S. R. 134-145A.
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## Rules.

**Leave account(s)—**

- Absence without leave debited against — as leave on half average pay. F. R. 73.
- Amount of leave credited in the — . . . F. R. 77.
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- By whom maintained . . . . . S. R. 215 and App. 8, para. 33.
- Departmental leave debited against — as leave on half average pay. S. R. 280.
- Extraordinary leave not debited against — . F. R. 85.
- Form for the maintenance of — of Government servants under ordinary leave rules. F. R. Form 9-A.
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- Fraction of a day should not appear in — . F. R. 76 (A. I.).
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- Inferior servants . . . . . F. R. 76 [G. I. and A. G.'s decisions].
- Instructions for filling up — form of Government servants under ordinary leave rules. Form 9-A.
- Leave of a Government servant partly under special and partly under ordinary rules how calculated. F. R. 77 [A. I. (2)].
- Maintenance of — in terms of leave on average pay. F. R. 76.
- Period of special disability leave will not be debited against —. F. R. 83 (6).
- Separate accounts for Government servant who has served under more than one Government. F. R. 76 [S. S. order].
- Study leave not debited against — . . . App. 9, para. 11.
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**Leave Not Due—**

- Application for retirement during — . . . F. R. 81 [G. I. decision (1)].
- Conditions of grant of — . . . . . F. R. 81 (c).
- Government servant whose leave account shows a debit balance. F. R. 81 [Ar. G.'s decision (4)].
- Leave salary admissible is equal to  $\frac{1}{2}$  average pay F. R. 87 (b).
- May not be granted unless there is a prospect of return to duty. F. R. 81 [G. I. decision (1)].
- Not debited against leave account up to a maximum of 3 months in the case of a member of the Indian Civil Service or a military commissioned officer. F. R. 78, Note 2 (ii) and G. I. ruling thereunder.
- On medical certificate may be granted without limit of amount. F. R. 81 (c) (i).

**Leave on Average Pay—**

- Cannot be granted if leave is not due . . . F. R. 87 (b).



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**Leave on Average Pay—contd.**

- Combination with special disability leave . . . F. R. 83 (4).
- Commutation of leave cannot be insisted . . . F. R. 87 [G. I. decision (3)].
- Compensatory allowance cannot be drawn during any period of leave which is not —. S. R. 6 [A. I. (1)].
- Compensatory allowance may be drawn up to a maximum period of 4 months of —. S. R. 6.
- Definition of — . . . . . F. R. 9 (11).
- Grant of leave on  $\frac{1}{2}$  average pay against the wishes of a Government servant when — is admissible. F. R. 87 [G. I. decision (1)].
- House rent allowance may be drawn up to a maximum period of 4 months of —. S. R. 7.
- House rent allowance of members of Signalling Establishment during —. S. R. 7, Notes 2 and 3.
- Joining time in addition to — of not more than 4 months. F. R. 105 (b) (i).
- Leave account maintained in terms of — . F. R. 76.
- Leave salary admissible during — . . . F. R. 87.
- Leave salary is subject to monthly maximum during —. F. R. 89.
- Limited to 4 months at a time in the case of Government servants under ordinary leave rules. F. R. 81 (b) (ii).
- Limited to 8 months at a time in the case of Government servants under special leave rules. F. R. 81 (b) (i).
- Manipulation of different arrangements of leave not permissible. F. R. 87 [G. I. decision (2)].
- Maximum amount of — which may be granted . F. R. 81 (b).
- May be granted in excess of 4 months at a time to Government servants under ordinary leave rules if taken on medical certificate or spent out of India or Ceylon. F. R. 87 (b) (ii), proviso.
- Medical certificate necessary if any instalment of — brings the total period of — to more than 4 months at a time. F. R. 81 [A. I. (4)].
- Not admissible if leave is not due . . . . F. R. 87.
- Period of — up to 4 months counts for pension . F. R. 81 [G. I. order (2)].
- Travelling allowance of a Government servant who takes — not exceeding 4 months after making over charge. S. R. 124.
- When leave on  $\frac{1}{2}$  average pay intervenes between two periods of —. F. R. 81 [A. I. (1)].

**Leave on average pay not exceeding four months—**

- Compensatory allowance may be drawn during —. S. R. 6.
- Counts for pension . . . . . F. R. 81 [G. I. order (2)].
- House-rent allowance may be drawn during —: Exceptions. S. R. 7 and Notes 1-3 thereunder.
- Joining time in addition to — . . . . F. R. 105 (b) (i).

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**Leave on average pay not exceeding four months—*contd.***

Leave salary is subject to maximum limit during F. R. 89.

Residence supplied by Government may be retained during — F. R. 45A [G. I. decision (5)].

Travelling allowance of a Government servant who takes — after making over charge. S. R. 124.

**Leave on half average pay—**

Absence after expiry of leave debited as — against leave account. F. R. 73.

Combination with special disability leave . . . F. R. 83 (4).

Commutation of leave cannot be insisted . . . F. R. 87 [G. I. decision (3)].

Counts as leave with allowance for purposes of pension. F. R. 81 [G. I. order (2)].

Definition of — . . . . . F. R. 9 (11).

Grant of — against the wishes of a Government servant when leave on full average pay is admissible. F. R. 87 [G. I. decision (1)].

Grant of — if leave is not due . . . . . F. R. 87 (b).

Half the period of — debited against leave account. F. R. 78 (b).

Leave salary is subject to maximum and minimum limits during —. F. R. 89 and 90.

Manipulation of different arrangements of leave is not permissible. F. R. 87 [G. I. decision (2)].

When — intervenes between two periods of leave on average pay. F. R. 81 [A. I. (1)].

**Leave on quarter average pay—**

After continuous absence from duty for 28 months a Government servant will draw leave salary equal to quarter average pay. F. R. 88.

Definition of — . . . . . F. R. 9 (11).

Half the period of — debited against leave account. F. R. 78 (b).

Leave salary is subject to a maximum and minimum limits during —. F. R. 89 and 90.

**Leave out of India—**

Action to be taken by Audit Officer on notification of — App. 8, para. 15.

Beginning and end of — . . . . . F. R. 68.

Certificate of leave in what case to be obtained . S. R. 257, 261 and 262.

Extension of — . . . . . S. R. 251-257.

Last pay certificate to be obtained from High Commissioner on return from —. S. R. 262.

Leave salary certificate to a Government servant proceeding on —. S. R. 243 and App. 8, paras. 16 and 17.

Leave salary shall be drawn in sterling if due in respect of leave spent out of Asia. F. R. 91.

Leave-salary subject to monthly maxima and minima. F. R. 89 and 90.

## Rules.

**Leave out of India—*contd.***

Memorandum of information for the guidance of Government servants proceeding on —.	S. R. 238 and App. 8, para. 13 and F. R. Form 5A.
Permission required to return from — . . .	S. R. 258-261.
Prevention of return from — of Government servant whose retirement is deemed expedient.	S. R. 236.
Recall from —. Allowances during voyage on —.	F. R. 70 (a).
Recall from —. Orders of — communicated through High Commissioner.	F. R. 70 [G. I. orders].
Recall from —. Time spent on voyage on — counts as duty.	F. R. 70 (a).
Report of departure from India . . . . .	S. R. 239 and App. 8, para. 20.
Return from — . . . . .	S. R. 258-262.
Warrant to Government servant taking — to a Colony.	S. R. 246 and App. 8, para. 14.

**Leave salary—**

Amount of — . . . . .	F. R. 87-93.
British Dominions and Colonies in which — may be drawn in sterling.	F. R. 91 (4) and App. 9A.
Calculation of average pay . . . . .	F. R. 9 (2) and A. I. (1)-(4) and Ar. G.'s decisions (1)-(2) thereunder.
Definition of — . . . . .	F. R. 9 (12).
Extraordinary leave. — not admissible . . .	F. R. 85.
Government servant who holds a non-gazetted permanent post but proceeds on leave from a gazetted post.	F. R. 87 [A. I. (2)].
Hospital leave. — equal to average or $\frac{1}{2}$ average pay.	S. R. 270
Incidence of charge on account of — . . .	F. R. 91 [G. I. orders].
Inferior servants . . . . .	F. R. 2 [G. I. order and decision].
Limited to quarter average pay after continuous absence from duty on leave for 28 months.	F. R. 88.
Maximum and minimum limits of — . . .	F. R. 89, 90 and 92.
Maximum limit of — during leave on average pay.	F. R. 89.
Minimum limit of — does not apply to Government servants under ordinary leave rules unless leave is taken out of India.	F. R. 90, Note 1.
Non-gazetted Government servant whose pay is less than Rs. 300.	F. R. 87, proviso.
Payment of — at the Home Treasury . . .	S. R. 243-245 and App. 8, para. 14.
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**Leave Salary—contd.**

- Payment of — through an agent . . . S. R. 245 and App. 8, para. 9.
- Portion of — representing overseas pay in sterling shall be drawn in sterling. F. R. 91 (1).
- Rate of exchange for conversion of — . . . F. R. 91 [S. S. orders] and F. R. 89 [A. I. (2)].
- Rules regulating — . . . F. R. 87-93.
- Shall be drawn in sterling if due in respect of leave spent out of Asia. F. R. 91 (2).
- Shall not in any case exceed average pay . . . F. R. 90.
- Special disability leave . . . F. R. 83 (7).
- Study Leave. — equal to half average pay . App. 9, para. 12.
- Transfer of payment of — from Home Treasury to Colony, etc. S. R. 249-250.
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**Leave Salary Certificate—**

- Amended —. Issue of — . . . App. 8, para. 23.
- Certificate of service and residence of Chaplains to be attached to —. App. 8, para. 19.
- Duplicate —. Transmission of — to High Commissioner. App. 8, para. 21.
- Government servant who spends his leave out of India but resides in Asia. App. 8, para. 10.
- Government servant who wishes to draw in India his leave salary for a portion of the leave. App. 8, para. 14 (b).
- Leave in India . . . App. 8, para. 8.
- Leave out of India . . . S. R. 243 and App. 8, para. 16.
- Leave salary of gazetted Government servants cannot be paid without a —. App. 8, para. 7.
- When a new — must be obtained . . . App. 8, para. 8.

**Leave Rules—**

- Concession to Government servants who have accepted the — in the Fundamental Rules, on the first occasion of their leave after 1st January 1922. F. R. 9 (13) [G. I. decision], F. R. 26 [S. S. decision] and F. R. 58 [S. S. order].
- Conditions of eligibility to special and ordinary —. F. R. 75-75C.
- Election to remain under old — . . . F. R. 58.
- Evasion of — is not permitted . . . F. R. 67 [G. I. decision] and App. 3, Part V (2).

**Leaving Jurisdiction—**

- Audit Officer may pass pay and allowances to the Head of an Administration or his staff. App. 3, Part II (b), para. 4.
- Effect on pay and allowances of — . . . App. 3, Part II (b), para. 1.
- Sanction required for — . . . App. 3, Part II. (b), paras. 2-3.

## Rules.

**Legislative Assembly—**

- Leave of President of — . . . . . F. R. 94A.  
 Reservation of first class compartment by President of — . . . . . S. R. 170.

**Lien—**

- Circumstances in which a Government servant retains a — on his post or on a post of the same character in the same cadre. F. R. 14.  
 Definition of — . . . . . F. R. 9 (13).  
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 During joining time . . . . . F. R. 14.  
 During leave . . . . . F. R. 14.  
 Of Government servant taking leave on vacating the post of Governor, Lieutenant-Governor, etc. (1). F. R. 97 and A. I.  
 When — of a Government servant may be suspended F. R. 13.  
 While under suspension . . . . . F. R. 14.

**Lieutenant-Governor—**

- Leave of — . . . . . F. R. 96.

**Life Certificate—**

- Gazetted Government servant who does not appear in person to draw leave salary. App. 8, para. 8.  
 Supply of — forms may be obtained by Government servants on leave out of India from the High Commissioner. S. R. 245 (b), Note.

**Local Administration—**

- Definition of — . . . . . S. R. 2 (14).

**Local Fund(s)—**

- Definition of — . . . . . F. R. 9 (14).  
 Health certificate necessary on promotion from non-qualifying service paid from a — to a post in superior Government service. S. R. 4A, Note 1.  
 Honorarium from — . . . . . F. R. 46.  
 Persons transferred from — not administered by Government to Government service are treated as joining a first post. F. R. 130.  
 Service paid from — administered by Government, how regulated. F. R. 128.  
 Service paid from — not administered by Government, how regulated. F. R. 129.  
 When means of locomotion is provided at the expense of a — . . . . . S. R. 182.

**Local Government(s)—**

- Cannot delegate powers to make rules . . . F. R. 6 (a).  
 Cannot grant less pay than is permissible under Fundamental Rules 22 and 23. F. R. 19 (A. I.).  
 Cannot make any rule granting privilege or concession not admissible under Fundamental Rules on 1st January 1922 or Civil Service Regulations. F. R. 2 (b).

	Rules.
<b>Local Government(s)—<i>contd.</i></b>	
Cannot make any rules adversely affecting any Government servant in service on 1st January 1922.	F. R. 2 (a).
Circumstances in which — may declare Government servant as on duty.	F. R. 9 (6) (b).
Definition of — . . . . .	F. R. 9 (15).
May appoint a Government servant to hold two or more posts at a time.	F. R. 49.
May authorise re-valuation of all residences . . . . .	F. R. 45A-II and 45B-II.
May decide finally the question of domicile of a Government servant appointed by it.	F. R. 75C.
May declare that in certain circumstances a Government servant may be treated as on duty.	F. R. 9 (6) (b).
May delegate to subordinate officers certain powers conferred upon it by Fundamental Rules.	F. R. 6.
May direct that extraordinary leave shall be counted for increments.	F. R. 26 (b), proviso.
May dispense with medical certificate of health . . . . .	F. R. 10.
May exempt from the operation of Fundamental Rule 30 any service not organised on a time-scale basis.	F. R. 30, proviso.
May exercise powers specifically granted by Fundamental Rules in relation to Government servants under their administrative control.	F. R. 4.
May grant special disability leave to a Government servant who is disabled by injury or illness . . . . .	F. R. 83 (1).
May issue general or special orders allowing acting promotions to be made in place of Government servants who are treated as on duty under certain conditions.	F. R. 36.
May make rules to determine present value of residences.	F. R. 45A-II and 45B-II.
May make rules to determine the expenditure upon preparation of site. . . . .	F. R. 45A-II and 45B-II.
May make rules to determine what should be regarded as fittings.	F. R. 45A-II and 45B-II.
May make rules defining the circumstances in, and the conditions on, which Sundays or holidays may be prefixed to leave or affixed to leave or joining time.	F. R. 68.
May make rules fixing the amounts which may be sanctioned as honoraria by subordinate authorities and specifying the conditions of grant.	F. R. 47.
May make rules modifying or replacing any of the Fundamental Rules.	F. R. 2.
May make rules prescribing form in which medical certificate should be prepared and the medical officers by whom certificate should be signed.	F. R. 10.

	Rules.
<b>Local Government(s)—<i>concl'd.</i></b>	
May make rules prescribing the principles for allotment of Government buildings.	F. R. 45.
May make rules prescribing the amounts or compensatory allowances and the conditions under which they may be drawn.	F. R. 44.
May make rules prescribing the leave procedure to be followed in India.	F. R. 74.
May make rules regulating the grant of maternity leave to female Government servants and hospital leave.	F. R. 101.
May make rules regulating the grant of leave to seamen.	F. R. 102.
May make rules regulating the leave earned by temporary and officiating service, non-continuous service and part-time service.	F. R. 103
May make rules regulating the grant of leave to probationers and apprentices.	F. R. 104 (b).
May make rules regulating joining time and specifying places and stations which are not easy of access.	F. R. 106
May make rules specifying the authorities by whom leave may be granted.	F. R. 66.
May make rules specifying departments to be treated as vacation departments.	F. R. 82 (a).
May make rules specifying the conditions under which compensatory allowance can be drawn during leave.	F. R. 93.
May reduce officiating pay of a Government servant.	F. R. 35.
May reduce pay of a Government servant under certain conditions of duty.	F. R. 20.
May require medical certificate of fitness on the return to duty of a Government servant who has been granted leave for reasons of health even though the leave was not granted on medical certificate.	F. R. 71.
May retain in service a Government servant after the age of compulsory retirement.	F. R. 56.
May waive or reduce rent of buildings and grant rent-free accommodation.	F. R. 45-V and 45B-V.
Power of — to fix pay of a Government servant	F. R. 19.
Power of — to relax the provisions of rules or orders made by it.	F. R. 5A.
Power of — to sanction subsistence grant	F. R. 42.
Procedure to be followed by — in framing rules under authority of Fundamental Rules.	F. R. 5.

**Locomotion—**

Travelling allowance of Government servants provided with means of — at the expense of Government.	S. R. 182-183.
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## Rules.

**Luggage—**

- Amount of — admissible to a Government servant travelling in reserved accommodation. S. R. 104.  
 Cost of transporting personal — not ordinarily admissible. S. R. 55.

**M****Medical Advice—**

- Permission of controlling officer necessary for travelling allowance to obtain —. S. R. 158.  
 Travelling allowance to obtain — . . . S. R. 155A, 155B, 156 and 162.

**Medical Certificate—**

- Any instalment of leave on average pay which brings the total period of leave on average pay taken at a time by a Government servant under ordinary leave rules to more than 4 months should be supported by —. F. R. 81 [A. I. (4)].  
 Application for leave on — from a non-gazetted Government servant in Superior Service. S. R. 223-229.  
 Countersignature of — . . . S. R. 226 (b) and 228-230.  
 Detention under professional observation . . S. R. 225.  
 Duplicate of medical statement to be sent to High Commissioner. S. R. 237.  
 Form of — for application for leave . . . S. R. 222 and 224.  
 Form of — for extension of leave out of India . S. R. 256.  
 Form of — in case of detention under medical observation. S. R. 225.  
 Form of — of fitness for return to duty from leave on — out of Asia. F. R. 71 [S. S. order].  
 Form of — on first appointment . . . S. R. 3.  
 General rules . . . S. R. 220-221.  
 Government servants in inferior service. Competent authority may accept any — before granting leave on —. S. R. 231.  
 Maximum amount of leave on average pay admissible at a time is increased in the case of a Government servant who takes leave on —. F. R. 81 (b) (ii), proviso.  
 Not required from a Government servant promoted from inferior to superior service. S. R. 4A, Note 2.  
 Possession of — does not confer upon Government servant the right to leave. S. R. 227-228.  
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Free transit by other than Government vessel .	S. R. 181.
Free transport of families of Government servants transferred.	S. R. 116 (a) I (Exception).
Government servant who travels by Government vessel may draw no travelling allowance except daily allowance.	S. R. 180.
Rates of mileage allowance . . . . .	S. R. 41.
Travelling by Government vessel obligatory .	S. R. 44.

**U****Unopened Line of Railway—**

Travelling allowance of Railway and Telegraph servants travelling on —.	S. R. 84.
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## V

## Rules.

## Vacation—

- Additional leave in cases of urgent necessity becomes leave due and may be taken in conjunction with "leave not due." F. R. 82 (c) and F. R. 81 [A. I. (2)].
- Combination of — with leave . . . . F. R. 82 (d) and A. I. (4) thereunder.
- Competent authority to decide in case of doubt whether a Government servant is serving in a — department. S. R. 265.
- Conditions in which a Government servant is considered to have availed himself of a —. S. R. 266.
- Definition of — department . . . . S. R. 263.
- Emoluments drawn during — treated as pay drawn on duty for the purpose of calculating average pay. F. R. 9 (2) [A. I. (3)].
- List of Government servants who serve in — departments. S. R. 264.
- Period of leave admissible is reduced by one month for each year of duty in which a Government servant avails himself of —. F. R. 82 (b).
- Special rules regulating grant of leave to — departments. F. R. 82.

## W

## Warrant—

- To be furnished to Government servants proceeding on leave to a Colony for payment of leave-salary. App. 8, para. 14.

*Note of Posting of Corrections.*

Serial number of correction.	Rule affected.	Date of posting.	Serial number of correction.	Rule affected.	Date of posting.	Serial number of correction.	Rule affected.	Date of posting.
6146	19-3-412. 25/3/1947	19/3/412.						















*Note of Posting of Corrections—concl'd.*

Serial number of correction.	Rule affected.	Date of posting.	Serial number of correction.	Rule affected.	Date of posting.	Serial number of correction.	Rule affected.	Date of posting.

